

प्राधिकार से प्रकाशित

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नई बिल्ली, ज्ञानियार, भ्रास्ट्रबर 25, 1969/क्रांतिक 3, 1891

No. 43

NEW DELHI, SATURDAY, OCTOBER 25, 1969/KARTIKA 3, 1892-

इस्माग में भिन्न पञ्च संख्या दी जाती है जिससे कि यह ग्रलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II- खण्ड 3-उपलब्ड (ii)

PART II-Section 3-Sub-section (ii)

(रक्ता मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों ग्रीर (संध क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक ग्रावेश ग्रीर ग्रावित्वनाएं

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

ORDERS

New Delhi, the 16th September 1969

- S.O. 4235.—Whereas the Election Commission is satisfied that Shri Chuni S/o Shri Chandan, Ashraph Jalal Uraf Jalalpur. Post Office Koil, District Aligarh, Uttar Pradesh a contesting candidate for election to the Uttar Pradesh Legislative Assembly from Sasni (SC) Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;
- 2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;
- 3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chuni to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/372/69(1).]

- S.O. 4236.—Whereas the Election Commission is satisfied that Shri Mahavir, S/o Shri Man Singh, R/o Village and Post Office, Lutsan, District Aligara, Utter Pradesh, a contesting candidate for election to the Utter Pradesh Legislative Assembly from Sasni (SC) Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;
- 2. And wherevs, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.
- 3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mahavir, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP_LA/872/69(2).]

New Delhi, the 27th September 1969

- S.O. 4237.—Whereas the Election Commission is satisfied that Shri Haleshwar Das, R/o Mohalla Bajitpur. Ward No. 20, Darbhanga (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from Hayaghat Assembly Constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;
- 2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.
- 3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Haleshwar Das, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/93/69(19).]

- S.O. 4238.—Whereas the Election Commission is satisfied that Shri Raja Ram Tiwari, R/o village & P.O. Guthani, District Saran (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from Darauli Assembly Constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;
- 2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Flenting Commission is satisfied that he has no good reason or justification for such failure;
- 3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Raja Ram Tiwari to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/30/69(20).]

New Delhi, the 30th September 1969

- S.O. 4239.—Whereas the Election Commission is satisfied that Shri Chandarer Dwivedi, R/o village Chitaha, P.O. Gamharia. District Champaran (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from Sugauli Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;
- 2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chandarer Dwivedi, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/11/69 (21).]

- 8.0. 4246.—Whereas the Election Commission is satisfied that Shri Kapildeo Narain Sharma, R/o village Narkatia, P.O. Barharwa Siwan, District Champaran (Bihar) a contesting candidate for election to the Bihar Legislative Assembly from Dhaka Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;
- 2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;
- 3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kapildeo Narain Sharma, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR.LA/15/69/(22):]

By Order,

A. N. SEN, Secy.

नई दिल्ली, 16 सितम्बर, 1969

एसंव भी॰ 4241.—भतः निर्वाचन श्रायोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा कि लिये निर्वाचन के लिये सासनी (अव जाव) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चुभी, सुपुत्र श्री चन्दन, असरफ जलाल उर्फ जलालपुर, पोव कोल अलीगढ़, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन अपयों का कोई भी लेखा दाखिल करने में श्रसफल रहे हैं।

श्रीर, यतः, उक्त उम्मीदवार ने उसे सम्यक् सूचना दिये जाने पर भी श्रपनी इस श्रसफलता के लिये कोई कारण श्रथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन श्रायोग का यह समाधान हो गया है कि उसके पास इस श्रसफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

ात:, श्रब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन श्रायोग एतद्द्वारा उक्त श्री चुन्नी को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा श्रथवा विधान परिषद् के सदस्य चुने जाने श्रीर होने के लिये, इस श्रादेश की तारीख से तीन वर्ष की कालावधि के लिये निर्राहत घोषित करता है।

[सं०उ०प्र०वि०स०/372/69(1)]

एस॰ ग्रो॰ 4242.—ग्रतः निर्वाचन ग्रायोग का सभाधान हो गया है कि उत्तर प्रवेश विधान सभा के सिये निर्वाचन के लिये सासनी (ग्र॰ गा॰) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री महावीर, सुपुत्र श्री मानसिंह, गांव व पोस्ट जुटसान, जिला ग्रलीगढ़, उत्तर प्रदेश, लोक प्रतिनिधित्व

श्रिधिनियम, 1951 तथा एतद्द्वारा बनाए गए नियमों द्वारा श्रपेक्षित श्रपने नियचिन व्ययों का कोई भी लेखा दाखिल करने में श्रसफल रहे हैं;

श्रीर, यतः, उक्त उम्मीदवार ने उसे सम्यक् सूचना दिये जाने पर भी श्रामी इस श्रासकतता के लिये कोई कारण श्राथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन श्रायोग का यह समाधान हो गया है कि उसके पास इस श्रासकतता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

श्रतः, श्रव, उक्त श्रधिनियम की धारा 10-क के श्रनुसरण में निर्वाचन श्रायोग एतद्द्वारा उक्त श्री महावीर को संसद् के किसी भी सदन के या किसी राज्य को विधान सभा श्रयवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस श्रादेश की तारीख से तीन वर्ष की कालाविध के लिये निर्राहत घोषित करता है।

[सं०उ०प्र०वि०स०/372/69(2)]

नई दिल्ली, 27 सितम्बर, 1969

एस० ग्रो० 4243.—यतः, निर्वाचन श्रीयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए हायाघाट निर्वाचन केते से चुनाव लड़ने वाले उम्मीदवार श्री हलेण्वर दास, निवासी—मौहल्ला-बाजिदपुर, वार्ड नं० 20, दरभंगा (बिहार), लोक प्रतिनिधित्व श्रिधिनियम, 1951 तथा तद्धीन बनाए गये नियमों द्वारा श्रपेक्षित रीति से श्रपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

श्रीर, यतः, उनत उम्दीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, श्रपनी इस श्रसफलता के लिए कोई कारण श्रथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन श्रायोग का यह समाधान हो गया है कि उसके पास इस श्रसफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

ग्रतः, ग्रब, उक्त ग्रिधिनियम की धारा 10-क के श्रनुसरण में निर्वाचन श्रायोग एतद्दारा उक्त श्री हलेक्वर दास को संसद के किसी भी सबन के या किसी राज्य की विधान सभा या विधान परिषद् के सदस्य चुने जाने श्रीर होने के लिए इस श्रादेश की तारीख से तीन वर्ष की कालाविध के लिए निर्रोहत घोषित करता है।

[सं० बिहार-वि०स०/93/69(19)]

एस०म्रो० 4244.—यतः, निर्वाचन म्रायोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए दरौली निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राजा राम तिवारी, निवासी ग्राम पो० गुठनी, जिला सारन (बिहार), लोक प्रतिनिधित्व ग्रिधिनियम, 1951 तथा तव्भीन बनाए गए नियमों द्वारा श्रवेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में श्रसफल रहें हैं;

श्रौर, यतः, उक्त उम्मीदबार ने, उसे सम्यक सूचना दिये जाने पर भी, श्रपनी इस श्रसफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन श्रायोग का यह समाधान हो गया है कि उसके पास इस श्रसफलता के लिए कोई पर्याप्त कारण या न्यायोजित्य नहीं है।

श्रतः, श्रब, उक्त ग्रधिनियम की धारा 10-क के श्रनुसरण में निर्वाचन ग्रायोग एतद्द्वारा उक्त श्री राजाराम तिवारी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा श्रथवा विधान परिषद् के सबस्य चुने जाने श्रीर होने के लिए इस श्रावेश की तारीख से तीन वर्ष की कालाविध के लिए निर्हित घोषित करता है।

[सं० बिहार-वि०स०/30/69(20)]

नई दिल्ली, 30 सितम्बर, 1969

एस० ग्रो० 42 45.—यत:, निर्वाचन ग्रायोग का समाधान हो गया है कि विहार विधान सभा के लिए निर्वाचन के लिए सुगौली निर्वाचन केंद्र से चुनाव लड़ने वाले उम्मीदवार श्री चन्दैरेर द्विवेदी निवासी ग्राम चितहा, पा० गम्हरिया, जिला चम्पारण (बिहार) लोक प्रतिनिधित्व ग्रिधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा ग्रपेक्षित ग्रपने व्ययों का लेखा दाखिल करने में ग्रसफल रहे हैं;

श्रीर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, श्रपनी इस श्रसफलता के लिए कोई कारण श्रथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन श्रायोग का यह समाधान हो गया है कि उसके पास इस श्रसफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

ग्रत:, ग्रब, उक्त ग्रधिनियम की धारा 10-क के ग्रनुसरण में निर्वाचन ग्रायोग एतद्द्वारा उक्त श्री चन्देरेर द्विवेदी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा ग्रथवा विधान परिषद् के सदस्य चुने जाने ग्रौर होने के लिए इस ग्रादेश की तारीखसे तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि०स०/11/69(21)]

श्रौर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाये पर भी, श्रपनी इस श्रसफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन श्रायोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

त्रतः, स्रव, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्भाचन आयोग एत् रहारा उक्त श्री कपिल देव नारायण भर्मा को संसद् के किसी भी सदन के या किसी राज्य को विधान स्थान स्रयवा विधान परिषद के भवस्य जुने जाने स्रार होने के लिये उन प्रादेश को तारीख से तीन वैषे की कालावधि के लिये निर्माहत योधित करता है।

[नं॰ विहार-ि॰ स॰/15/69(22)]

श्रव है से,

ए० ६न० सेन, सचिव ।

ORDER

New Delhi, the 6th October 1969

S.O. 4247.—Whereas the Election Commission is satisfied that Shrimati Bholi, Village Chakrala, Tehsil and District Jullundur, a contesting candidate for the mid-term general election held in February 1969 to the Punjab Legislative Assembly from Kartarpur Constituency, has failed to lodge an account of her election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Compulssion is further satisfied that she has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shrimati Bholi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/54/69(8).] By Order, ROSHAN LAL. Secv.

धारें स

नई दिल्ली 6 प्रमद्बर 1969

श्रीर, श्रतः, उक्त उम्मीदवार उसे सम्यक सूचना दिए जाने पर भी लेखा दाखिल करने में श्रसफल रही है श्रीर उसने श्रपनी इस श्रसफलता के लिए कोई कारण श्रथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन श्रायोग का यह समाधान हो गया है कि उसके पास इस श्रसफलता के लिए कोई पर्वाप्त कारण या न्यायोजित्य नहीं है;

अतः, ग्रब, उक्त ग्रधिनियम की धारा 10-क के अनुसरण में निक्षित ग्रायोग एतद्द्वारा उक्त श्रीमनी भोली को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा ग्रयवा विधान परिवद् के सदस्य चुने जाने ग्रीर होने के लिए, इस श्रादेश की तारीख से तीन वर्ष की कालाविध के लिए निर्राहत बोबित करता है।

ग्रादेश से.

रोशन लाल, सचिव, ।

CABINET SECRETARIAT

(Department of Statistics)

New Delhi, the 13th October 1969

S.O. 4249.—In exercise of the powers conferred by section 3 of the Collection of Statistics Act, 1953 (32 of 1953), the Central Government hereby makes the following amendment in the notification of the Government of India in the Cabinet Secretariat No. S.O. 462, dated the 18th February, 1960:—

In the said notification, in item (ii), after the words "industrial concerns", the brackets and words "(excluding coal mines)" shall be inserted.

[No. 16/10/69-Estt.II.]

(सांख्यिकी विभाग)

मई दिल्ली, 13 धक्तूबर 1969

एस9 मो0 4250 केन्द्रीय सरकार म्रांकड़ा संग्रह ग्रांविनियम, 1953 (1953 का 32) की घारा 3 द्वारा प्रदत्त शांवितयों का प्रयोग करते हुए भारत सरकार, मंत्रिमंडल सिचालय की श्रांवित्वना संख्या सांविधिक ग्रादेश 462 दिनांक 18 फरवरी, 1960 में एसद्द्वारा निम्नलिखिल संपोधन करती हैं:—

उक्त श्रधिसूचना के पद (ii) में "श्रीद्योगिक समुत्यान" ग्रन्दों के बाद "(कोयले की खानों को छोड़कर)" कोष्ठक तथा शब्द निविष्ट किये जायेगें।

[सं॰ 16/10/69—सिब्बन्दी।।] के॰ पी॰ गीताकृष्णन्, उप सचिव,

विदेश मंत्रालय

नई दिल्ली, 10 ग्रनपूबर, 1969

एस॰ सो॰ 4251—राजनियक एवं कोंसुली श्रिषकारी (शपथ एवं शुल्क) ग्रीविनियम, 1948 के खंड 2भी घारा (क) के भ्रनुसार केन्द्र सरकार इसके द्वारा भारत के हाई कमीशन, लंदन में वरिष्ठ कार्य-पालक अधिकारी श्री ई॰ एम॰ मुन्सिफ को 21 जुलाई, 1969 से, भ्रगला धादेश होने तक, कोंसली अधिकर्ता का कार्य करने का अधिकार देती हैं।

> [सं० टी० 4330/7/69] पी• सी• भट्टाचार्य, भवर सचिव,

विसमंत्रासय

(रक्षा प्रभाग)

नई दिल्ली, 10 सितम्बर, 1969

एस॰ मो॰ 4252— संविधान के अनुच्छेद 309 के परन्तु क और अनूच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति विविल सेवा विवियमों में अतिरिक्त संशोधन करने के लिए निम्नलिखित विनियम बनाते हैं, अर्थात् :---

- 1. (1) ये विनिथम सिविल सेवा (9 संशोधन) विनियम 1969 कहे जा सकोंगे।
 - (2) ये शासकीय राजपत्न में अपने प्रकाशन की टारीख को प्रवृत्त हो जाएंगे।

2. तिविल सेवा विनियम के परिणिष्ट संख्या 1 के भाग 3 में, ग्रन्त में निम्नलिखित मद जोड़ दी जाएगी, अर्थात् : ---

कम संख्या सरकार, प्रशासन, विभाग या श्राफ़िसर	शक्तियां
43—महानिदेशको सोमा सड़कों	1—उनके भादेशाधीन ऐसे श्राफिसरों के सम्बन्ध में, जो भारत सरकार द्वारा धि नियुक्त नहीं किये जाते हैं श्रीर श्रनुच्छेद 299(क) के श्रधीन अन्य सभी श्राफिसरों के सम्बन्ध में सभी शक्तियां।
	2—प्रनुज्छेद 459 के प्रधीन की शक्तियां उसके ग्रघीनस्थ सभी ग्राफिसरों की बाबत प्रयोग में लाई जानी हैं।

[संख्या : बी०श्रार०एस०/905/3962]

बी० एस० भालेराव, अवर सचिव।

(Department of Banking)

New Delhi, the 10th October 1969

3.4. 4253 - Statement of the Affairs of the Reserve Bank of India as on the 3rd October, 1969.

. ANKING DEPARTMENT

LIABILITIES	£.5.	ASSETS	Rs.
Caf it paid up .	>,00,00,000	Notes	34,65 04 000
	•	Rupee Coin	4 83,000
Roservo Rand	15 1,00,00,000	Small Coin	6,51,000
		Bills Purchased and Discounted:	
National Agricultura Credit (Lone Term Cperations) Fund	155,00,00,000	(a) Internal	
		(b) External	• •
		(c) Government Treasury Bills	246,31,41,0.20
Nittoool Agricultural Credit (Stabilisano.) Pana .	35 ,00,00 000	Balances Held Abroad*	165,00,64,000
		Investments**	92,23,83,000
National Industrial Credit (Long Term Operations) Fund	75.00.00	Loans and Advances to: ~	
		(i) Central Government	
		(ii) State Governments @	53,68,89,000

LIABILITIES	Rs.	ASSETS	Rs.
1 Court of the cou		Lorns and Advances to :	
Deposits :		(i) Scheduled Commercial Bankst	21,88,20,000
(a) Government		(#) State Co-operative Banks††	252,47,37,00
		(#/) Others	2,35,41,00
(i) Central Government	58,48,37, 0 ©	Loans, Advances and Investments from National Agricul- tural Credit (Long Term Operations) Fund :	
(ii) State Governments	14,60,79 ,000	(a) Losse and Advances to :— (f) State Governments	31,56,62,00
		(#) State Co-operative Banks	16,38,16,00
(·) Banks		(fil) Central Land Mortgage Banks	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
·		(b) Investment in Central Land Mortgage Bank Debentures	8,99,60,00
(f) Scheduled Commercial Banks	168,11,59,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund:—	
(#) Scheduled State Co-operative Banks	7 ,6 9,16 ,000	Loans and Advances to State Co-operative Banks .	6,44 98,09
(#) Non-Scheduled State Co-operative Banks	57 ,53,000	Loans, Advances and Investments from National Industrial	
(6) Other Banks	20,12,000	Credit (Long Term Operations) Fund:-	
		(a) Loans and Advances to the Development Bank	6,26,7≀,∞
(c) Others	227,66,80,700	(b) Investment in bonds/debentures issued by the Development Bank	
Bills Payable	38 ,4 0,0 4,00 0	Other Assets	33,29,10,00
Other Liabilities	35,92,9 0, 000		
Rupees .	971,67,30,000	Rup ecs	971,67,30,00

^{*}Includes Cash, Fixed Deposits and Short-term Securities.

^{**}Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund but including temporary overdrafts to

[@]Excluding Logis and Advances from the National Agricultural Credit (Long Term Operations) Fund but including temporary overdrafts to State Governments.

[†]Includes Rs. 5,65,00,000 advanced to scheduled commercial banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

†Exchading Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 8th day of October, 1959.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 3rd day of October, 1969

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	F.s.
Notes held in the Banking Department	, 34,65,04,000		Gold Coin and Bullion:— (a) Held in India.	182,53,11,000	
Notes in circulation	3446,84,69,000		(b) Held outside India	• •	
Total Notes issued		3481,49,73,000	Foreign Securities	240,88,70,000	
			Total		423-41,81,00
			Rupee Coin Government of India Rupee Securities Internal Bills of Exchange and other Commercial paper		75,31,37,00 2982,76,55,00
Fotal Liabilities	•	3481,49,73,000	Total Assets		3481,49.73,00

[No. F. 3(3)_BC/69.]

New Delhi, the 14th October 1969

S.O. 4254.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply, till the 30th September, 1970, to the Cochin Commercial Bank Ltd., Cochin, in respect of the property (measuring 78 cents and 403 Sq. links), held by it at Mattancherry Town, Cochin, Kerala State.

[No. F. 15(27)-BC/68.]

K. YESURATNAM, Under Secy-

(Department of Economic Affairs)

New Delhi, the 14th October 1969

S.O. 4255.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that the following instrument made in exercise of the executive power of the Union may be executed on his behalf by the Ambassador of India in the United States of America, namely:—

Contract for the sale of Indian Proof coins with M/s Paramount International Coin Corporation of the United States of America.

[No. F. 1/23/66-Coln.]

M. S. NANJUNDIAH, Director.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 17th June 1969

S.O. 4256.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1931) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes makes the following amendments in the Schedule appended to its notification No. 61 (F. No. 50/42/69-ITJ), dated 28th May, 1969 viz:

In the said schedule against B Range, Jodhjur under Column 2, the reflewing shall be added, namely:—

"3. J-Ward, Jodhpur."

This notification shall take effect from the 19th June, 1969.

Explanatory Note

The amendment has become necessary for assigning appellate jurisdiction over J-Ward, Jodhpur a newly created ward with effect from 27th May, 1969.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 80 (F. No. 50/42/69-ITJ).]

New Delhi, the 19th June 1969

S.O. 4257.—In exercise of 'he powers conferred by sub-section (1) of Section 122 of the Income-tax Act. 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment in the schedule appended to its Notification No. 58(50/32/69-ITJ), dated 27th May, 1969, namely:

In the said Schedule against Madural Range, under column 2, the following shall be added:

10. Special Circle, Madurai.

This notification shall take effect from 19th June, 1969.

Explanatory Note

The amendment has become necessary in order to assign appellate jurisdiction over an E.P.T. appeal relating to Special Circle which formerly handled EPT cases and was deleted with effect from 14th June 1957 because there were no more EPT appeals left with the AAC.

(The above note does not form a part of the notification but is intended to be merely electificatory).

[No. 81 (F. No. 50/32/69-ITJ).]

New Delhi, the 21st July 1969

S.O. 4258.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enalling it in that behalf and in supersession of all previous notifications in this regard, the Central Poard of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the Schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:

SCHEDULE Income-tax Circles, Wards and Districts Range τ 1. Income-tax Circle, Ernakulam, Ernakulam 2. Companies Circle, Ernakulam. Salaries Circle, Ernakulam. 4. Income-tax Circle, Mattar cherry. 5. Income-tax Circle, Alleppey. 6. Income-tax Circle, Quilon. 7. Survey Circle, Ernakulam (since abolished) in respect of persons who have their principal place of business in or reside within the jurisdiction of the I.T. Circles mentioned above: 8. Central Circle, Ernakulam. 9. Estate-Duty-cum-Income-tax Circle, Ernakulam. Income-yax Circle, Calicut. Special Survey Circle, Ernakulam (since abolished) in respect Calicut of persons who have their principal place of business in or reside within the jurisdiction of the Income-tax Circles mentioned above. 3. Estate-Duty-cum Income-tax Circle, Calicut. 1. Income-tax Circle, Cannanore. 2. Companies Circle, Calicutt. Trichut 3. Income-tax Circle, Trichur. 4. Income-tax Circle, Palghat. 5. Income-tax Circle, Alwaye. 6. Special Survey Circle, Ernakulam (since abolished) in respect of persons who have their principal place of business in or reside within the jurisdiction of the Income-tax Circles mentioned above. 7. Central Circle, Trichur (since abolished). Trivandrum 1. Income-tax Circle, Trivandrum. Salary Circle, Trivandrum. Income-tax Circle, Kottayam. Income-tax Circle, Trivalla. Companies Circle, Trivandrum. 6. Special Survey Circle, Ernakulam (since abolished) in respect of persons who have their principal place of business in or reside within the jurisdiction of the Income-tax Circles mentioned

7. Special Investigation Circle, Trivandrum (since abolished).

above.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of the assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Range from whom that Income-tax Circle, Ward or District or part is thereof is transferred shall, from the date this notification shall take effect, be transferred and dealt with by the Appellate Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 1-8-1969.

Explanatory Note

The amendments have become necessary on account of the abolition of one of the Ranges of AAC at Calicut and the consequent re-organisation of the remaining 4 Ranges.

(The above note does not form part of the notification but is intended to be merely classificatory).

[No. 99 (F. No. 50/31/69-ITJ.]

New Delhi, the 22nd July 1969

8.O. 4259.—In exercise of the powers conferred by sub-section (I) of Section 122 of the Inco ne-tax Act, 1961 (43 of 1961) and of all other powers enabling it in this behalf and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in Column I of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, wards and Districts specified in the corresponding entry in column 21 thereof:

SCHEDULE

Range	Incometax Circles, Wards & District
(Central) Range-I, Calcutta	Central Circle—I, V. VII, X, XX, XXII, XXIII, XXVII, XXIX, XXXI & XXXIII.
(Central) Range-II, Calcutta.	Central Circle—II, IV, VI, VIII, IX, XV, XVIII, XIX, XXIV, XXV, XX
(Central) Range-III, Calcutta.	Central Circle—III, XI, XII, XIII, XIV, XVI, XVII XXI, & XXVI.

Where an Income-tax circles, ward or Districts or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that income-tax circle, ward or District or part thereof and pending immediately before the date of this notification before the appellate Assistant Commissioner of Income-tax of the Range from whom that Income-tax Circle, Ward of District or part thereof is transferred shall, from the date of this notification shall take effect, be transferred to from the date of this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of Range to whom the sail Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 22-7-69.

Explanatory Note:

The amen liments have become necessary on account of creation of new charge of Appellate American Commissioner of Income-tax (Central Rings-III), Calcuta vicain the charge of the Commissioner of Income-tax (Central), Calcuta.

(The above note that not for no part of the notification but is intended to be merely clarificatory).

[No. 100 (F. No. 50/47/69-IT]

S. V. SUBBA RAO, Under Secy.

कोन्द्रीय प्रत्यक्ष कर बोर्ड

(मानकर)

नई दिल्ली, 19 जून, 1969

एस० मो० 4260 :---आय-कर श्रिधिनियम, 1961 (1961 का 43) की वारा 122 की उपमारा (1) द्वारा प्रदत्त मित्तयों और उस निमित्त उसे समर्थ बनाने वाली अध्य सभी मित्तमों का प्रोम करते हुए, केन्द्रीय प्रस्यक्ष कर बोर्ड अपनी श्रिधिसूचना संख्या 61 (फा० सं० 50/42/69- आई० टी० जे०) तारीख 28-5-69 के साथ संलग्न अनुसूची में एतद्द्वारा निम्नसिखित संगोधन करती है, अपति :

जनत प्रनुसुषी में, ख•रेंज; जोधपुर के सामने, स्तंभ 2 के नीचे निस्नलिखित जोड़ विका जाएगा, प्रवात्:---

"8. झ-वार्ड, जोधपुर"

यह अधिसूचना 19 जून, 1969 से प्रवृत्त हो जाएगी।

[संख्या 80 (फा॰ सं० 50 4269-माई० टी॰ जे॰]

एस॰ मो॰ 4261 :—माय-कर मितियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त मित्तयों भीर उस निमित्त उसे समर्थ बनाने वाली मन्य सभी खिल्तयों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्षकर बोर्ड, अपनी अधिसूचना संख्या 58(50/32/69-आई० टी॰ जे॰) तारीख 27 मई, 1969 से संलग्न अनुसूची में एतव्द्वारा निम्नलिखन संशोधन करता है, मर्चात् :

उक्त भनुसूची में मदुराई रेंज के सामने स्तंभ 2 के नीचे निम्नलिखित जोड़ दिया जाएका: 10. विशेष सर्किल, मदुराई,

यह श्रधिसूचना 19 जून, 1969 से प्रवृत्त हो जाएगी।

संख्या 81 (फा० सं० 50/32/69-आई० टी० जे०

नई दिल्ली, 21 जुलाई, 1969

एस० ग्रो० 4262 :— श्रायकर श्रधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवत्त शक्तियों श्रीर उस निमित्त उसे समर्थ बनाने वाली श्रन्य सभी शक्तियों का प्रयोग करते हुए तथा इस विषय की सभी पूर्व श्रधिसूचनाश्रों को श्रधिकान्त करते हुए, केन्द्रीय प्रत्यक्ष-कर बोर्ड एतव्द्वारा निदेश देता है कि नीचे की श्रनुसूची के स्तंभ 1 में विनिर्दिष्ट रेंजों के सहायक आयुक्त (श्रपील) उन सभी व्यक्तियों के श्रीर उस श्राय के संबंध में श्रपने कृत्यों का पालन करेंगे जो उक्त श्रनुसूची के स्तम्भ 2 की तत्स्थानी प्रविष्टि में विनिर्दिष्ट श्रायकर सकिलों, वाडों था जिलों में श्रायकर या श्रधिकर के लिए निर्धारित हुए/हुई हैं :

	श्रनुसूबी
रेंज	ग्रायकर सकिल, वार्ड भ्रौर जिले
1	2
एण कुल म	 श्रायकर सिंकल, एणिंकुलम । कम्पनी सिंकल, एणिंकुलम । बेतन सिंकल, एणिंकुलम । श्रायकर सिंकल, महानवेरी । श्रायकर सिंकल, श्रल्वेपी । श्रायकर सिंकल, विवलत । सर्वेक्षण सिंकल, एणिंकुलम (श्रंब उत्सादित) उन व्यक्तियों के संबंध में जिनके कारो- बार का प्रधान स्थान या निवास उपर्युक्त ग्रायकर सिंकलों की ग्रिधिकारिता में है । केन्द्रीय सिंकल, एणिंकुलम । सम्पदा शुल्क सह श्रायकर सिंकल, एणींकुलम ।
कालीकट	 ग्रायकर सिंकल, कालीकट। विशेष सर्वेक्षण सिंकल, एणिकुलम (श्रव उत्सादित) उन व्यक्तियों के संबंध में जिनके कारोबार का प्रधान स्थान या निवास उपर्युक्त श्रायकर सिंकलों की श्रिधकारिता में है । सम्पदा शुल्क सह श्रायकर सिंकल, कालीकट।
त्रिचुर	

1

2

त्रिवेन्द्रम्

- 1. भ्रायकर सकिल, विवेन्द्रम् ।
- 2. वेतन सर्किल, विवेन्द्रम् ।
- 3. श्रायकर सिंकल, कोट्टायम ।
- 4. भ्रायकर सर्किल, तिरूवल्ली।
- कम्पनी सकिल, त्रिवेन्द्रम् ।
- 6. विशेष सर्वेक्षण सर्किल एणाकुलम (श्रब उत्सादित)। उन व्यक्तियों के संबंध में जिनके कारोबार का प्रधान स्थान या निवास उपर्युक्त श्रायकर सर्किलों की श्रधिकारिता में है ।
- तिशेष अन्वेषण सिंकल, त्रिवेन्द्रम् (भ्रव उत्सादित) ।

जहां इस अधिसूचना द्वारा कोई आयकर सिकल, वार्ड या जिला या उनका कोई भाग एक रेंज से दूसरे रेंज को अन्तरित हो गया हो वहां उस आयकर सिकल वार्ड या जिले या उनके किसी भाग में किए गए निर्धारणों से उद्भूस होने वाली अपीलें, जो इस अधिसूचना की तारीख के ठीक पहले से उस रेंज के सहायक आयुक्त (अपील) के समक्ष लिम्बत हो जिससे वह आयकर सिकल, वार्ड या जिला या उन का कोई भाग अन्तरित कर दिया गया है, इस अधिसूचना के प्रवृत्त होने की तारीख से उस रेंज के सहायक आयुक्त (अपील) को, जिसको उक्त सिकल, वार्ड या जिला या उनका कोई भाग अन्तरित कर दिया गया है, अन्तरित कर दिया गया है, अन्तरित कर दिया गया है, अन्तरित कर दी जाएगी और उनके संबंध में कार्यवाही उक्त सहायक आयुक्त (अपील) द्वारा की जाएगी।

यह ग्रधिसूचना 1-8-1969 से प्रवृत्त हो जाएगी।

[संख्या 99 एफ० मं 50/31/69-म्राई० टी० जे]

नई दिल्ली, 22 जुलाई, 1969

एस॰ भ्रो॰ 4263.—श्रायकर श्रोधिनयम, 1961 (1961 का 43) को धारा 122 की उपधारा (1) द्वारा प्रदत्त मित्तयों श्रीर उस निमित्त उसे समर्थ बनाने वाली भ्रन्य सभी मित्तयों का प्रयोग करते हुए तथा इस विषय की सभी पूर्व श्रिधसूचनाओं को भ्रिधकान्त करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतर्कारा निदेश देता है कि नीचे की अनुसूची के स्तम्भ 1 में विनिर्देश्ट रेंजों के सहायक भ्रायुक्त (श्र्मील) उन सभी व्यक्तियों के भ्रीर उस श्राय के संबंध में अपने कृत्यों का पालन करेंगे जो उक्त भ्रायुक्त (श्रमील) उन सभी व्यक्तियों के भ्रीर उस श्राय के संबंध में अपने कृत्यों का पालन करेंगे जो उक्त भ्रायुक्त (श्रमील) तत्त्रस्थानी प्रविष्टि में विनिर्दिश्ट श्रायकर सिकलों, वाडों या जिलों में श्रायकर या मिधकर के लिए निर्धारित हुए/हुई हैं :

ग्र नुसूर्वी		
रेंज	म्रायकर सर्किल, वार्ड म्रौर जिले	
1	2	
(केन्द्रीय) रेंज 1 कलकत्ता	केन्द्रीय स्किल1, 5, 7, 10, 20, 22, 23, 27, 29, 31 श्रीर 33।	
(केन्द्रीय)रेंज-2 कलकत्ता	केन्द्रीय सर्किल2, 4, 6, 8, 9, 15, 18, 19, 24, 25, 28, 30 श्रीर 32।	
(केन्द्रीय) रेंज–3 कलकत्ता	केन्द्रीय सर्किल—— 3, 11, 12, 13, 14, 16, 17, 21 श्रीर 26 ।	

जहां इस अधिसूचना द्वारा कोई श्रायकर सिंकल, वार्ड या जिला या उनका कोई भाग एक रेंज से दूसरे रेंज को श्रन्तरित हो गया हो वहां उस श्रायकर सिंकल, वार्ड या जिले या उनके किसी भाग में किए गए निर्धारणों से उदभूत होने वाली श्रगीलें जो इस अधिसूचना की तारीख के ठीक पहले से उस रेंज के सहायक श्रायुक्त (श्रगील) के समक्ष लिम्बत हों जिससे वह श्रायकर सिंकल, वार्ड या जिला या उनका कोई भाग अन्तरित कर दिया गया है, इस श्रिधसूचना के प्रवृत्त होने की ता खि से उस रेंज के, जिसको उक्त सिंकल, वार्ड या जिला या उनका कोई भाग अन्तरित कर दिया गया है, श्रपीली सहायक श्रायुक्त की श्रंतरित कर दी जाएगी श्रीर उनके संबंध में कार्यवाही उक्त श्रपीली सहायक श्रायुक्त जाएगी।

यह प्रधिसूचना 22-7-69 से प्रवृत्त हो जाएगी ।

1.

[सं० 100 (फा॰ सं० 50/47/69-श्राई० टी॰ जे॰)] एस० वी० सुब्बाराय, श्रवर सचित्र ।

CENTRAL EXCISE COLLECTORATE

MANUFACTURED PRODUCTS

Baroda the 31st July 1969

8.0. 4264.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I empower the officers of the Central Excise Collectorate, Baroda, not below the rank specified in Column No. 3 of the Table appended to exercise within their jurisdiction, the powers of the Collector under the Rules mentioned in column No. 2 of the said table.

TABLE

k 1900au				
Serial No.	Central Excise Rules	Rank of officers	Limitation, if any	
1	2	3	4	

96ZH(r) All Officers of and above the First A.S.P. (Application) may be rank of Supdt. of C. Ex.

accepted by the officer not below the rank of Asstt. Collr.

I	2	3	4
2.	96ZH(2)	All Officers of and above the rank of Asstt. Collr.	
3-	96 Z H(4)	All Officers of and above the rank of Supdt. of C. Ex.	(a) Power of accepting renewal application in form A.S.P. shall be exercised by Supdt., C. Ex.
			(b)(i) Where delay in presenting the A.S.P. is not more than to days, the Supdt., C. Ex. shall exercise power of condoning the delay.
			(ii) Where delay in presenting the A.S.P. exceeds 10 days Asstt. Collr., C. Ex. shall exercise the power.
4-	96 ZH(5)	All Officers of and above the rank of Asstt. Collr. of C. Ex.	••
5.	96 Z I(4)	All Officers of and above the rank of Assett. Collectors of C. Ex.	••
6.	96 Z L(i) to(iii) Adjudicating Officers.	To demand duty to confiscate to goods and to impose penalty in accordance with their limits of adjudication powers.
			[No. 2/69.]

[110. = 109.]

L. M. KAUL, Collector.

विवेशी ब्यापार तथा म्रापूर्ति मंत्रालय

(विदेशी व्यापार विभाग)

नई दिल्लो, 22 सितम्बर 1969

एस० श्रो० 4265—श्रावश्यक वस्तु ग्रिधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार सूनी वस्त्र (नियंत्रण) श्रादेश, 1948 में श्रौर आगे संशोधन करने के लिये एतद्द्वारा निम्नलिखित श्रादेश करनी है श्रर्थात् :--

- 1. यह श्रादेश सूती वस्त्र (नियंत्रण) तृतीय संशोधन श्रादेश, 1969 कहा जा सकेगा।
- 2. सूती बस्त्र (नियंत्रण) श्रादेश, 1948 (जिसे इसमें इसके श्रागे उक्त श्रादेश कहा गया है) में

खण्ड 12 में---

- (1) उपखण्ड (1), (2), (2क) ग्रीर (6ख) लुप्त कर दिये जाएंग ;
- (2) उपखण्ड (7) में "ग्रीर (6ख)" शब्द, कोष्ठक, श्रंक ग्रीर श्रक्षर लुन्त कर दिये जाएंगे ;

- (3) उपखण्ड (7क) के स्थान पर निम्नलिखित उपखण्ड प्रतिस्थापित किया जाएगा, प्रथीन् :---
- "(7क) वस्त्र श्रायुक्त, उपखण्ड (6) के श्रनुपालन को सुनिश्चित करने की वृष्टि से, किसी भी ऐसे शक्तिचालित करचे को जो उपखण्ड (6) के उपबन्ध के उल्लंघन में प्रजित या प्रतिन्द्रापित किया जाता है मोहर लगा कर बन्दे करने के लिए कार्यवाही कर सकेगा।"
- 3. उक्त श्रादेश का खण्ड 12क लुप्त कर विया जाएगा।
- 4. उनतं भ्रादेश के खण्ड 20ग के स्थान पर निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा, भ्रथित् :---
 - "20ग(1) कताई संयंत्र रखने वाला कोई भी जत्पादक एसे किसी कपड़े का, जिसका जत्पादन उसने नहीं किया है, कोई भी प्रसंस्करण, वस्त्र प्रायुक्त की लिखित भ्रनुझा के भ्रनुसार करने के सिवाय, न तो श्रारम्भ करेगा भ्रौर न कियान्वित करेगा;
- (2) उपखण्ड (1) के प्रधीन प्रनुज्ञा स्वीकृत या ग्रस्वीकृत करने में, वस्त्र भ्रायुक्त निम्नलिखित बातों का ध्यान रखेगा, भ्रचीन् :---
 - (क) प्रसंस्कृत कपड़े की मांग को नियति बाजारों से पूरा करने की जरूरत ႈ
 - (ख) केन्द्रीय सरकार की श्र्पेक्षाश्रों को पूरा करने की जरूरत
 - (ग) ऐसे स्वतन्त्र प्रसंस्करणकर्ताओं के पास, जो स्थानीय क्षेत्र में ग्रनन्यतः प्रसंस्करण करने में लगे हुए हैं, उनलब्ध प्रसंस्करण क्षमना के पर्याप्त रूप से उपयोग की वांछनीयता; तथा
 - (घ) कोई भ्रन्य सुसंगत परिस्थितियां।"

[21/20/69-वस्त्र(ए)] एच० के० बंसल, उप सचिव।

MINISTRY OF FOREIGN TRADE & SUPPLY

(Department of Foreign Trade)

New Delhi, the 13th October 1969

S.O. 4266.—In pursuance of rule 8 of the Export of Coir Yarn (Inspection) Rules, 1966, the Central Government hereby appoints Shri F. A. Barbhaya, Partner. M/s. Abdulhusain Mamulee Barbhaya. Exporters and Importers, Calicut-1, as a member of the panel of experts constituted for Cochin Region, for the purpose of hearing appeals under the said rule against the decision of the Export Inspection Agency, Cochin, and directs that the following amendment shall be made to the notification of the Government of India in the Ministry of Foreign Trade and Supply No. S.O. 1460 dated 19th April, 1969, namely:—

In the Table below the said notification, in column (2) against the Export Inspection Agency, Cochin, for item 9, the following item shall be substituted, namely:—

"9. Shri F. A. Barbhaya, Partner, M/s. Abdulhusain Mamujee Barbhaya, Exporters and Importers, Calicut-1".

[No. 20(17)/Exp.Insp/87.]

M. K. B. BHATNAGAR, Dy. Director; (Export Promotion)

(Office of the Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 24th September 1969

S.O. 4267.—M/s. Kesoram Rayon, Industry House, 10, Camac Street, Calcutta were granted licence No. P/RM/2161629/S/WG/20/C/H/25-26 dated 11th January, 1968 from W. Germany for import of Raw Materials/components valued at Rs. 5,00,000 subsequently reduce dtq Rs. 4,86,554 the yhave requested for the issue of duplicate Customs copy of the licence on the ground that the original customs purposes copy of the licence has been lost by them. It has been further reported by the licensee that the licence was lost after utilising Rs. 4,77,947. The licence has been registered with Collector of Customs, Calcutta.

In support of their contention the applicant have filed an affidavit. The undersigned is satisfied that the original Customs Purposes Copy of the licence No. 2161629 dated 11th January, 1968 has been lost and directs that a duplicate Customs Copy of the said licence should be issued to them. The original Customs Purposes Copy is cancelled. A duplicate copy of the licence is being issued separately.

[No. Rayon/10/67-68/R.M.6.]

New Delhi, the 13th October 1969

S.O. 4268.—M/s. Indo Berolina Industries Pvt. Ltd., Bombay were granted Licence No. P/D/2171141/S/JN/32/H/27-28, dated 28th August, 1969 from JAPAN for import of Raw Materials/components as per list attached valued at Rs. 11,50,000. They have requested for the issue of duplicate copy of the licence on the ground that the original licence No. P/D/2171141/S/JN/32/H/27-28 dated 28th August, 1969 has been lost on way. It has been further reported by the licensee that the licence was not delivered to them by the Postal authorities. The licence has not been registered with collector of Customs Bombay.

The undersigned is satisfied that the original Customs and Exchange control copies of the licence No. P/D/2171141/S/JN/32/H/27-28 dated 28th August, 1969 have not been delivered and directs that a duplicate customs and exchange control copies of the said licence should be issued to them. The original customs and exchange control copies are cancelled. Duplicate copies of the licence are being issued separately on production of necessary affidavit.

[No. Mach-I/14/AM69/RM-4.]

G. S. SHARMA. Dv. Chief Controller.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Dethi, the 10th October 1969

S.O. 4269.—Mr. V. G. Kundur was granted Custom Clearance Permit No. P/J/2366823/N/MA/31/H/29, dated 6th June, 1969 for Rs. 24,000/- for import of a 1967 Chevrolet Impala car has applied for a duplicate copy of the Custom clearance permit as the original Customs Clearance Permit has been lost. It is further stated that the original Custom Clearance Permit was not registered with any Custom House and not utilised.

In support of this contention Shri V. G. Kundur has filed an affidavit. He has undertaken to return the Custom Clearance Permit if traced later to this office for record. I am satisfied that the original Custom Clearance Permit No. P/J/2366823/N/MA/31/H/29, dated 6th June, 1969, has been lost and direct that a duplicate Custom Clearance permit should be issued to him. The oiginal Custom Clearance Permit may be treated as cancelled.

[No. F. 2(B.90)/69-70/BLS/2978.]

T. M. B. NEDUNGADI,

Jt. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 15th October 1969

S.O. 4270.—The Controller of Stores, Chittaranjan Locomotive Works, 4, Chittaranjan Avenue, Calcutta-13, was granted an Import Licence No. G/RC/2086635, dated 27th June 1968, for Rs. 69,000. He has applied for a duplicate copy of the licence (Exchange Control purpose copy) on the ground that the original (Exchange Control Purpose Copy) licence has been mislaid/lost. It is further stated that the original licence was not utilised at all. In support of this the applicant has filed an affidavit. I am satisfied that the original Exchange Purpose Copy of the Import Licence No. G/RC/2086635/C/PR/27/C/H/26, dated 27th June 1968, has been lost and a duplicate licence should be issued to the applicant.

In exercise of the powers conferred on me by clause 9(cc) of the Import Trade (Control) Order No. 17/55, dated 7th December 1955, as amended from time to time, the undersigned cancels the Import licence mentioned above (Exchange Control Purpose Copy) for Rs. 69,000 for the import of Graphite Electrodes under S. No. 41.A/ Π of the I.T.C. Schedule issued in favour of the Controller of Stores, Chittaranjan Locomotive Works, Calcutta-13. The duplicate licence for exchange control purpose, is being issued separately.

[No. F.10.C/Rly/68-69/GLS/393.]

P. C. VERMA,

Dy. Chief Controller of Imports and Exports.

MINISTRY OF HEALTH, FAMILY PLANNING, WORKS, HOUSING AND URBAN DEVELOPMENT

(Department of Works, Housing and Urban Development)

New Delhi, the 17th October, 1969

S.O. 4271.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby makes the following amendments in the Notification of the Government of India in the late Ministry of Works, Housing and Supply S.O. No. 1899, dated the 25th May, 1967, namely:—

For the table below the said Notification, the following table shall be substituted, namely:—

Тнп Тавів		
Designation of the officer	Categories of public premises and local limits of jurisdiction	
(1)	(2)	
Director, Directorate of Estate Management, Department of Atomic Energy, Bombay.	Premises (office and residential) belonging to or under the administrative control of the Department of Atomic Energy in Greater Bombay.	

[No. F.21012(6)/69-Pol.IV.]

T. K. BALASUBRAMANIAN, Dy. Director of Estates and Ex. Officio Under Secy-

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 13th October 1969

S.O. 4272.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952, and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints the following persons after consultation with the Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Calcutta with immediate effect upto 31st December, 1969.

Smt. Uma Sabanabis.

Shri Nirmal Goswami.

Shri Sailen Mookerji.

Prof. Kajal Sen Gupta.

Smt. Abu Sayeed Ayyub.

Smt. Shaibya Dutt.

[No. F. 11/9/69-F(C).] K. K. KHAN, Under Secy.

सुचना ग्रीर प्रसारए मंत्रालय

नई दिल्ली, 13 श्रक्तूबर, 1969

एस० श्रो॰ 4273.— चलचित्र श्रधिनियम, 1952 की धारा 5(1) श्रीर चलचित्र (सेंसर) नियमावली, 1958 के नियम 9 के उपनियम (2) श्रीर नियम 8 के उपनियम (3) के साथ पठित नियम 9 के उप नियम (3) द्वारा दिए प्रदत्त श्रधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने केन्द्रीय फिल्म सेंसर बोर्ड से परामर्श करके निम्नलिखित व्यक्तियों को श्रभी से 31 दिसम्बर, 1969 तक उक्त बोर्ड के सलाहकार मण्डल, कलकत्ता का फिर से सदस्य नियुक्त किया है:—

- श्रीमती ऊमा साहनबीस
- 2. श्री निर्मल गोस्वामी
- श्रीसैलन मुकर्जी
- 4. प्रोफेसरकाजल मेन गुप्त
- श्रीमती ग्राब् सईद ग्रय्यूब
- 6. श्रीमती शैवया दत्त

[फाइल संख्या 11/9/69-एफ० सी०]

के० के० खान, भवर सचिव।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 10th October 1969

S.O. 4274.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of Shri O. Venkatachalam, Arbitrator in the industrial dispute between the management of Messrs Dharti Dhan Private Limited, Udaipur and their workmen which was received by the Central Government on the 30th September, 1969.

In the matter of arbitration under Section 10A of the Industrial Disputes Act, 1947 in the industrial dispute between Messrs Dharti Dhan Private Ltd., Udalpur and their workmen represented by the Dharti Dhan Mazdoor Sangh, Udaipur.

PRESENT:

Shri O. Venkatachalam, Chief Labour Commissioner (Central) & Arbitrator Representing the management-

Shri J. R. Taneja, Agent.

Representing the workmen—

Shri B. Choudhary, President.

2. Shri Dal Chand Shankla, General Secretary. \ Dharti Dhan Mazdoor Sangh.

AWARD

No. 3(23)/69-Con.II. Dated, New Delhi, the 27th September, 1969.

By an agreement dated nil (March, 1969), the Agent of M/s. Dharti Dhan Private Ltd., Udaipur and the President of the Dharti Dhan Madoor Sangh, Udaipur agreed to refer the following matters in dispute between them for my arbitration under Section 10A of the Industrial Disputes Act, 1947:-

- (i) Whether the workmen employed in the Soapstone Mines of Messrs Dharti Dhan Private Ltd., Udaipur are entitled to any wages for the period of strike from 11th February 1969 to 1st March, 1969? If so, to what extent.
- (ii) Having regard to the capacity of the Industry to pay and the prevalent rates of wages in the Soapstone Mines of the other employers, whether the employees employed in the mines of M/s. Dharti Dhan Private Ltd., Udaipur are entitled to any increase in their existing rates of wages? If so, to what extent?

The parties further agreed that the Arbitrator shall make his Award within a period of two months in respect of the issue at (i) above and within three months in respect of the other issue or within such time as is extended by mutual agreement between the parties and that my Arbitration Award shall be binding on them. The arbitration agreement was published by the Central Government (Ministry of Labour) as required by sub-section (3) of section 10A of the Industrial Disputes Act, 1947 on 19th April, 1969.

- 2. After calling from the parties the statements of their respective cases as well as their comments on each other's statement of the case, I fixed the first hearing in this case at New Delhi on 2nd June, 1969, but this was postponed (under intimation to the parties) at the request of the management with whom the union infilmation to the parties) at the request of the management with whom the union also agreed for postponement. Thereafter both the parties agreed to extend the time for giving my award on both the issues till 15th August, 1969. The case was again posted for hearing on 9th July, 1969 at New Delhi when the Agent of the Company came for the hearing but none appeared on behalf of the Union. The Company's Agent while agreeing to the adjournment, demanded cost of Rs. 200/to be awarded to him against the Union. The President of the Union who was later addressed in the matter explained his inability to attend the hearing on the July 1969 and requested that the management's place for awarding cost against 9th July, 1969 and requested that the management's plea for awarding cost against the Union might be rejected. The union's plea in this regard was therefore accepted.
- 3. The case was subsequently posted for hearing at Udaipur on 18th August, 1969, but the Agent of the Company again sought adjournment for his own reasons,

after consulting the President of the Union and securing his concurrence to the adjournment. The parties later agreed to further extend the time-limit for my award on both the issues till 30th September, 1969.

- 4. The case was again posted for hearing at New Delhi on the afternoon of 10th September, 1969 when the President of the union appeared, but the Company's Agent failed to do so after sending me telegraphic intimation to the effect that he was unable to attend the hearing on the 10th afternoon and pleading for taking up the case on the next forenoon (11th September). The case was accordingly taken up on the 11th forenoon when both the parties were present and argued their cases. As I had already programmed to go on tour on the same afternoon, the parties pleaded for some more time to make their submissions. It was therefore tentatively agreed to take up the final hearing of the case at Udaipur on 24th September, 1969. For various reasons the case could not be heard at Udaipur as earlier planned, but instead was taken up for final hearing at Jaipur on 26th September, 1969.
- 5. The relevant facts of the case are these: M/s. Dharti Dhan Private Ltd. have three soapstone mines located at Deopura, Padla and Kumbia near Udaipur employing in all about 150 workers. The soapstone quarried in these mines is transported to Udaipur for crushing in their factory located there. The dispute as well as my arbitration in this case concern only their mines and not the factory. The Union's demand for increase in wages covered by the second issue in this arbitration was one of its demands which led to the strike in the Company's mines from 11th February, 1969 till 1st March, 1969, and the issue of wages for this period of strike is covered by item (i) of the issues referred for my arbitration. It would, therefore, be appropriate to deal with issue No. (ii) in the first instance.

Issue No. (ii)

- 6. As already stated, about 150 workers are employed in the mines of Messrs Dharti Dhan Private Ltd. and they are all daily rated, but paid monthly. The large majority of these workers (123 workers) are presently receiving a consolidated daily wage of Rs. 2-31P, while the other workers (about 25) are currently receiving a consolidated daily wage ranging from Rs. 2-42P to Rs. 2-88. On behalf of the Union, its President submitted a detailed statement setting out the past developments in this concern in regard to the workers' organisation, their demands, their settlements with the management, etc. and argued that based on the said developments as well as the trends in consumer price index and the prevalling wages in the neighbouring concerns such as the Zawar Mines of M/s. Hindustan Zinc Ltd., the factory of M/s. Pesticides India Ltd., the Udaipur Distillery and the Udaipur Cotton Mills, the workers employed in these mines should be granted a monthly wage of Rs. 123-50P (linked to average index for January to June 1968) with effect from 1st October, 1968 with further increase in wages on account of subsequent rise in consumer price index and non-implementation of various agreements entered into between the management and the workmen in the past. The management submitted a counter statement refuting some of the contentions of the Union and pleading their inability to grant any increase in wages on account of the unprofitable working of the concern. In particular, they contended that the Company was incurring financial losses from year to year, they filed extracts of balance sheets and profit & loss accounts for the years 1962-63, 1964—66 and 1966-67 showing losses incurred by the Company to the extent of Rs. 9,14,388.61, Rs. 2,79,779.30 & Rs. 3,86,388.25P respectively. They strongly urged that as the Union Labour Ministry had rejected the dispute as unfit for reference to a Tribunal for adjudication under the Industrial Disputes Act, the Union's demand for increase in wages as also for wages for the strike period s
- 7. In reply to the management's contentions, the President of the Union argued that the workers should be entitled at least to a bare minimum wage irrespective of the capacity of the employer to pay or the prevailing wages in other concerns, and for this purpose he relied on the various judgments of the Supreme Court, the tripartite decisions and the latest recommendation of the National Commission on Labour. He reiterated the view that a minimum wage must be paid in any event irrespective of the extent of profit, the financial condition of the

establishment or availability of workmen on lower wage, and argued that the minimum wage is independent of the nature of industry or its size, big or small. He also reiterated that an employer who cannot pay a minimum wage has no right to exist and that while considering the question of the minimum wage for the workers, consideration of the low level of wages prevailing in other concerns should not be brought in. Adverting to the management's reliance on the lower level of wages prevailing in other soapstone mines in the area, the Union argued that the question of comparison would not arise because the workers in other soapstone mines are unorganised and the wages paid to them have not been fixed under a statute or through collective bargaining and that any attempt to make such a comparison would amount to a denial of social justice. According to the Union, the workers in soapstone mines in Bhilwara and Dausa areas have been receiving higher wages than the workers of soapstone mines in Udaipur area. As regards the Labour Ministry's rejection of the dispute for reference to adjudication under the Industrial Disputes Act, the union contended that the Ministry's decision in this regard is not in the nature of a verdict on the merits of the issues and it is only a prima facie view taken by the Ministry which is liable to be altered on presentation of full facts of the case before them. With regard to the management's plea of financial losses incurred by the Company year after year, the union contended that the balance sheets and profit & loss accounts of the Company cannot be relied upon because of their unhealthy competitive policy to retain their monopoly in the internal and foreign markets, and that the trading results of all the sister concerns should be taken together in order to ascertain the financial capacity of this employer to pay higher wages, as he makes adjustments as he likes between sister concerns.

8. In the circumstances of this case, I accept the contentions of the union that the workers should be entitled to a minimum wage and that the employer should pay this wage irrespective of his financial capacity to bear the burden. Consider-Ing the fact that this is a fairly important concern engaged in the business of soapstone mining and crushing, it should be possible for the Company to reorganise its working, improve its efficiency and ensure proper management of its affairs in such a way that workers will be assured a minimum wage without serious detriment to the financial solvency of the concern. Even if it fails to do so, it has only to blame itself. The next question for consideration is what should be expect. On this question, I can do no better than refer to the Union Labour Ministry's Notifications No. S.O. 1922 and S.O. 1923 (LWI-I-4(13)68-Pt) both dated 19th May, 1969 in which the Central Government had notified Rs. 2.60 per day as the minimum wage for an unskilled mazdoor employed in the scheduled employments of bauxite and gypsum mines. These notifications were issued by the Central Government on the strength of unanimous recommendations made by a tripartite Minimum Wages Committee earlier constituted by the Government for the relevant scheduled employments. There is every justification for the workers employed in the soapstone mines of this Company to expect not less than the minimum wages fixed by the Central Government in the aforesaid notifications. I accordingly direct that unskilled mazdoors employed in these mines shall be paid a consolidated daily wage of Rs. 2.60, while the semi-skilled workers as well as the unskilled supervisory workers shall be paid a consolidated wage of Rs. 3.45 per day without separate payment for weekly rest day. I further direct that where a workman is already in receipt of a higher wage than what I am now awarding, he will continue to receive such higher wage. The wage rates now awarded by me shall be operative from 1st September, 1969, the first day of the current wage period. I am not awarding any arrears before 1st September, 1969 in this case, because it will impose undue financial burden on the Company which claims to be already running at a loss. The awarded wages being based on the minimum wages fixed by the Government for corresponding categories of workers in the scheduled employments, they would call for revision as and when the statutory minimum wages for bauxite and gypsum mine are revised in future, but I shall leave this matter for collective bargaining between the management and the workmen. In this connection I would refer to the Union Labour Ministry's notifications No. 2(5)68-LWI(I) dated 23rd July, 1969 and No. 2(30)/67-LWI-I dated 30th July, 1969 wherein they have proposed to add the "employment in copper mines" and the "employment in clay mines covered under the Mines Act, 1952" to the Schedule to the Minimum Wages Act, the effect of which would be to secure fixation of minimum wages for the workers employed in copper mines and clay mines in the immediate future. Considering the Government's policy in this regard, it is quite possible that the employment in soapstone mines would also be added to the Schedule to the Minimum Wages Act in no distant future.

Issue No. (i).

- 9. Coming to the issue of wages for the period of strike from 11th February, 1969 to 1st August, 1969 the right to strike is admittedly an inherent right of the workers, but the principle of "no work, no pay" would ordinarily operate against them. The workers would be entitled to some wages for the strike period if they can establish that the demands over which the strike has been launched are justified and they have also given a reasonable opportunity to the employer to look into their demands and have otherwise exhausted the constitutional means of securing redress.
- 10. It is on record that the President of the Dharti Dhan Mazdoor Sangh served a strike notice on 20th January, 1969 on the Manager & Agent of M/s. Dharti Dhan Private Ltd., Udajpur threatening to call a strike in their mines on 4th February, 1969 over a charter of 8 demands concerning increase in wages, dearness allowance, casual leave, etc. The ALC, Ajmer intervened and held conciliation proceedings in the dispute in order to bring about a settlement, but his efforts were not successful. At his instance, the Union however, postponed the strike from 4th February 1969 in order to give some time to the management to consider its demands, but the management took the stand as late as 10th February, 1969 that they were already paying higher rates of wages and it was not possible for them to pay anything more and that, they were not prepared to settle any of the demands. They, however, agreed on 10th February, 1969 (on the eve of the strike) to refer the issue for the arbitration of CLC. New Delhi or the ALC, Ajmer. This proposal of arbitration was acceptable to the Union President provided the management agreed to grant interfm relief of 20P per day per worker with immediate effect. As the management were not willing to this counter proposal of the Union, the workmen went on strike from 11th February, 1969. These facts and developments preceding the strike which the Assistant Labour Commissioner had brought out in his failure of conciliation report dated 14th February 1969 (with copies endorsed to the parties) show that while the Union was determined to secure higher wages and better service conditions for the workmen, it also gave a reasonable opportunity to the employer to look into its demands and resorted to constitutional means of securing redress before actually calling the strike. The union does not, however, enjoy the same balance of advantage in vages (which is no doubt the most important issue), the union had dropped its other demands over which the strike was launched. On the question of increase in wage
- 11. In the circumstances the workers would be entitled to some wages for the period of strike, and a direction for payment of 50 per cent of the wages for the strike period would have been quite proper had the Company been in a prosperous state of affairs. But considering the unsatisfactory financial position of the Company as urged by the management before me, I content myself with giving a direction for payment of 25 per cent of the wages which the workers would have otherwise earned during the period 11th February, 1969 to 1st March, 1969 had they not proceeded on strike. This direction would seem to meet the ends of justice in this case.

O. VENKATACHALAM, Chief Labour Com. (Central) & Arbitrator.

[No. 36(7)/69-LR.IV.1

S.O. 4275.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri O. Venkatachalam, Arbitrator in the industrial dispute between the management of Messrs Associated Soapstone Distributing Company (Private) Limited, Udalpur and their workmen, which was received by the Central Government on the 30th September, 1969.

In the matter of arbitration under Section 10A of the Industrial Disputes Act, 1947, in the industrial dispute between M/s. Associated Soapstone Distributing Company Private Ltd., Udalpur and their workmen represented by the Rajasthan Soapstone Khan Mazdoor Sangh, Udalpur.

PRESENT

Shri O. Venkatachalam, Chief Labour Commissioner (Central) and Arbitrator.

Representing the management-

- 1. Shri S. A. Naqvi, Agent.
- 2. Shri Manohar Singh Choudhary.

Representing the workmen-

- 1. Shri B. Choudhary, General Secretary.
- 2 Shri Bheru Lal, President.

Rajasthan Soapstone Khan

Mazdoor Sangh.

AWARD

No. 3(14)/69-Con.II

New Delhi, the 27th September, 1969.

By an agreement, dated nil (March, 1969), the Agent of M/s. Associated Scapstone Distributing Co., Private Ltd., Udaipur and the General Secretary of Rajasthan Scapstone Khan Mazdoor Sangh, Udaipur agreed to refer the following matters in dispute between them for my arbitration under Section 10A of the Industrial Disputes Act, 1947:—

- (i) Whether the workmen employed in the Soapstone Mines of Messrs Associated Soapstone Distributing Co., Private Ltd., Udaipur are entitled to any wages for the period of strike from 4th February, 1969, to 1st March, 1969? If so, to what extent.
- (ii) Having regard to the capacity of the Industry to pay and the prevalent rates of wages in the Soapstone Mines of the other employers whether the employees employed in the mines of M/s. Associated Soapstone Distributing Co. Private Ltd., Udalpur are entitled to any increase in their existing rates of wages? If so, to what extent?

The parties further agreed that the Arbitrator shall make his Award within a period of two months in respect of the Issue at (i) above and within three months in respect of the other Issue or within such time as is extended by mutual agreement between the parties and that my Arbitration Award shall be binding on them. The arbitration agreement was later published by the Central Government (Ministry of Labour) as required by sub-section (3) of section 10A of the Industrial Disputes Act, 1947 on 19th April, 1969.

- 2. After calling from the parties the statements of their respective cases as well as their comments on such other's statement of the case, I fixed the first hearing in this case at New Delhi on 2nd June, 1969, but this was postponed (under intimation to the parties) at the request of the management. The case was again put down for hearing on 9th July, 1969, at New Delhi, but the Agent requested by telegram for postponement of the hearing as he met with an accident and was advised rest by his doctor. The hearing in this case was accordingly postponed.
- 3. The case was subsequently posted for hearing at Udaipur on 18th August, 1969, but the Company again sought adjournment on the ground that their Agent had gone abroad. This was agreed to and the parties informed accordingly. The parties later agreed to extend the time limit for my award on both the issues till 30th September, 1969.
- 4. The case was again posted for hearing at New Delhi on the fore-noon of 10th September, 1969 when the General Secretary of the Union appeared and he was heard by me, but the Company's Agent falled to do so as the train in which he was travelling to Delhi was held up at Alwar because of heavy rains. The case was therefore taken up for final hearing at Jaipur on the 26th September, 1969, when both the parties presented and argued their cases at length.

- 5. The relevant facts of the case as set out briefly are these: M/s. Associated Soapstone Distributing Co., Private Ltd., have six soapstone mines located at Deopura (3), Deola (2) and Bhugavat employing in all about 453 workers. The soapstone quarried in these mines is transported to Udaipur for crushing in their factory located at Udaipur. The dispute as well as my arbitration in this case concern only their mines and not the factory. The union's demand for increase in wages covered by the second issue in this arbitration was one of its demands which led to the strike in the Company's mines from 4th February, 1969 till 1st March, 1969, and the issue of wages for this period of strike is covered by them (1) of the issues referred for my arbitration. It would, therefore, be desirable to deal with issue No. (ii) in the first instance.
- 6. As already stated, about 453 workers are employed in the mines of M/s. 6. As already stated, about 433 workers are employed in the mines of M/s. Associated Soapstone Distributing Co., (P) Ltd., and they are all daily rated and paid monthly. The large majority of these workers (365 workers) are presently receiving a consolidated daily wage ranging from Rs. 1,77 to Rs. 2.09, while the other workers (about 82) are currently receiving a consolidated daily wage ranging from Rs. 2.14 P. to Rs. 3.14 P. On behalf of the Union, their General Secretary submitted a detailed statement setting out the developments in this concern in the past regarding the workers' unionism, their demands and the settlements with the management, etc., and argued that based on the said developments as well as the trends in consumer price index and the prevailing wages in the neighbouring concerns such as the Zawar Mines of M/s. Hindustan Zinc Ltd., the factory of M/s. Pesticides India Ltd., the Udaipur Distillery and the Udaipur Cotton Mills, the workers employed in these mines should be granted a monthly wage of Rs. 123.50 P. comprising of Rs. 84.50 as basic wage and Rs. 39 as D.A. (linked to average index for January to June, 1968) with effect from 1st October, 1968 with further increase in wages on account of subsequent rise in consumer price index. and non-implementation of various agreements entered into between the management and the workmen. The management submitted a rejoinder refuting some of the contentions of the union, and pleaded their inability to grant any increase in wages on account of the recurring losses of the company. They also filed the audited balance sheets and profit and loss accounts for the years 1961 to 1967 showing losses incurred by the company to the extent of Rs. 40,616.00; Rs. 1,18,688.00; Rs. 1,17,000.00; Rs. 1,13,000.00; Rs. 81,000.00; Rs. 98,000.00 and Rs. 94,000.00 respectively. They strongly urged that as the Union Labour Ministry had rejected the dispute as unfit for reference to a Tribunal for adjudication under the Industrial Disputes Act, the Union's demand for increase in wages as also for wages for the period of strike shall be considered as wholly unjustified. They also referred to the lower rates of wages prevailing in some of the soapstone mines in the district and argued that this employer who has already been incurring losses should not be required to pay still higher wages.
- 7. In reply to the management's contentions, the General Secretary of the Union argued that the workers should be entitled to at least a bare minimum wage irrespective of the capacity of the employer to pay or to the prevailing wages in other concerns, and for this purpose he relied on the various judgments of the Supreme Court, the fripartite decisions and the recent recommendation of the National Commission on Labour. He reiterated the view that a minimum wage must be paid in any event irrespective of the extent of profit or loss, the financial condition of the concern or the availability of the workmen on lower wages, that the minimum wage is independent of the nature of the industry or its size, and that an employer who cannot pay a minimum wage has no right to exist. He also contended that while considering the question of the minimum wage for workers, consideration of the low level of wages prevailing in other concerns should not be brought in, because the workers in other soapstone mines are unorganised and the wages paid to them have not been fixed under a statute or through collective bargaining stating that any attempt to make such a comparison would amount to denial of social justice. According to the Union, the workers in soapstone mines in Bhilwara and Dausa area have been receiving much higher wages. than the workers in question. As regards the Labour Ministry's rejection of the dispute for reference to adjudication under the Industrial Disputes Act, the union contended that the Ministry's decision in this regard is not in the nature of a verdict on the merits of the issues and that it is only a prima facie view of the Ministry which is liable to be altered on presentation of full facts and circumstances of the case. With regard to the management's plea of financial losses incurred by the Company year after year, the Union contended that the balance sheets and profit and loss accounts of the Company cannot be relied upon because

of their unhealthy competition to retain their monopoly in the foreign markets, and that the trading results of all their sister concerns should be taken together in order to ascertain the financial capacity of this employer.

8. In the circumstances, I must accept the contentions of the Union that the workers should be entitled to the minimum wage and that the employer should pay this wage irrespective of his financial capacity to bear the burden. Considering the fact that this is an important concern engaged in the business of scapstone mining and crushing, it should be possible for the Company to streamline its working, improve its efficiency and ensure the proper management or its affairs in such a way that the workers can be assured a minimum wage without detriment to the financial solvency of the company. Even if it fails to do so, it has only to blame itself. The next question that arises for examination is what should be the minimum wage that these workers can legitimately expect. On this question, I shall refer to the Union Labour Ministry's notification No. S.O. 1922 and S.O. 1923 [LW-I-4(13)/68-Pt.] both dated 19th May, 1969, in which the Central Government had notified Rs. 2.60 per day as the minimum wage for an unskilled Mazdoor employed in the scheduled employments of bauxite and gypsum mines. These notifications were issued by the Central Government on the basis of unanimous recommendations made by a tripartite Minimum Wages Committee earlier constituted by the Government for the relevant scheduled employments. There is no reason why the workers employed in the soapstone mines of this Company should not be paid at least the minimum wages fixed by the Central Government in the aforesaid notifications. I accordingly direct that the unskilled mazdoors employed in these mines shall be paid a consolidated wage of Rs. 2.60 per day, while the semi-skilled workers as well as the unskilled supervisory workers shall be paid a consolidated wage of Rs. 3.45 per day without separate payment for weekly rest day. However, if a workman has been already receiving a higher wage than what I am now awarding, he shall continue to receive such higher wage. The wage rates now awarded by me shall be operative from 1st September, 1969, the first day of the current wage period for these workers. I am not awarding any arrears of wages for the period before 1st September, 1969, in this case, as it will impose undue financial burden on the Company which claims to be already running at a heavy loss. The awarded wages being based on the minimum wages fixed by the Government for corresponding categories of workers in scheduled employments, they would call for a revision as and when the statutory minimum wages are revised in future, but this will have to be left for settlement by collective bargaining between the management and the workmen. In this connection I would refer to the Union Labour Ministry's notifications No. 2(5)68-LWI(I) dated 23rd July, 1969, and No. 2(30)/67-LWI-I, dated 30th July, 1969, wherein they have proposed to add the "employment in copped mines" and the "employmen ment in clay mines covered under the Mines Act, 1952", to the Schedule to the Minimum Wages Act, the effect of which would be to secure fixation of minimum wages for the workers employed in copper mines and clay mines in the immediate future. Considering the Government's policy in this regard, it is quite possible that the employment in soapstone mines would also be added to the Schedule to the Minimum Wages Act in no distant future.

Issue No. (1)

- Coming to the issue of wages for the period of strike from 4th February 1969 to 1st March, 1969, it is generally recognised that the right to strike is the inherent right of the workers, but the principle of "no work, no pay" would operate against them. The workers can claim wages for the strike period only if they can establish that the demands over which the strike is launched are fully justified and the workers have also given a reasonable opportunity to the employer to look into their demands and have otherwise exhausted the constitutional means of securing redress.
- 10. It is on record that the General Secretary of the Rajasthan Soapstone Khan Mazdoor Sangh served a strike notice on 20th January, 1969 on the Factory Manager and Agent of M/s. Associated Soapstone Distributing Co. (Private) Ltd., Udalpur threatening to call a strike in their mines from 4th February, 1969 over a charter of 7 demands concerning increase in wages, dearness allowance, casual leave, etc. The Assistant Labour Commissioner, Ajmer intervened and held conciliation proceedings in the dispute in order to bring about a settlement, but his efforts were not successful. While both the parties were agreeable to the Assistant Labour Commissioner's suggestion for arbitration, they could not agree on the time-limits. While the management wanted the time for resolving the dispute at the Director's level within 20 days, failing which by arbitration under Section 10A

of the Industrial Disputes Act, the arbitration agreement to be completed by 28th February 1969, Shri Choudhary, General Secretary of the Union agreed to arbitration on the condition that the arbitration agreement should be signed by 3rd February, 1969 with a further stipulation that the award should be given within three months and the case for interim relief should be also heard in the meantime. Hence there was no agreement between the parties even on the question of referring the issues for arbitration. The Union therefore went on strike from 4th February, 1969. These facts and development preceding the strike which the Assistant Labour Commissioner had brought out in his failure of conciliation report dated 1st February, 1969 (with copies endorsed to the parties) show that while the union was determined to secure higher wages and better service conditions for the workmen, it also gave a reasonable opportunity to the employer to look into its demands and resorted to constitutional means of securing redress before actually calling the strike. The union does not, however, enjoy the same balance of advantage in regard to the justifiability of its demands because except the demand for increase in wages (which is no doubt the most important issue), the union had dropped its other demands over which the strike was launched. On the question of increase in wages it will be seen from my directions under the issue No. (ii) above that the issue has been answered in favour of the workmen who stand to gain some increase in wages. The strike in this case was admittedly peaceful throughout and was not in contravention of any provisions of the law. Although the management tried to argue before me that it was in contravention of Section 23 of the Industrial Disputes Act and hence illegal, on the mistaken impression that conciliation proceedings before the Assistant Labour Commissioner (Conciliation Officer) (during which the strike was commenced) could be equated to the proceedings before a Conciliation Board, after I clarified the legal position, they agreed that the strike was not illegal although it was commenced during the pendency of conciliation proceedings before the Assistant Labour Commissioner, Ajmer, the industry in this case being not a public utility service. Moreover, in its written statement, the Union referred to a few cases of earlier strikes by the workers of this Company during the years 1965—68 when as a result of mutual settlements between the parties, the workers were paid full wages or at least 80 per cent. of the wages for the strike periods,

11. In the circumstances the workers would be entitled to some wages for the period of strike, and a direction for payment of 50 per cent, of the wages for the strike period would have been quite proper had the Company been in a prosperous state of affairs. But considering the unsatisfactory financial position of the Company as urged by the management before me. I content myself with giving a direction for payment of 25 per cent, of the wages which the workers would have earned during the period 4th February, 1969 to 1st March, 1969 had they not proceeded on strike. This direction, in my view, is fair and equitable to both parties.

O. VENRATACHALAM,

Chief Labour Commissioner (Central) & Arbitrator-[No. 36/7/69-LR.IV.]

New Delhi, the 15th October 1969

S.O. 4276.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3) Dhanbad in the industrial dispute between the employers in relation to the South Govindpur Colliery of Shri H. I. Pathak, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 4th October, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 3) AT DHANBAD

REFERENCE No. 62 of 1968

PRESENT.

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the South Govindpur Colliery

Vs. Their Workmen

APPEARANCES:

For Employers-S/Sri S. S. Mukheriee and B. Joshi, Advocates.

For Workmen-Shri P. K. Bose, Advocate,

Industry: Coal.

Dhanbad, dated the 25th of September, 1969

STATE: Bihar.

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the South Govindpur Colliery of Sri H. I. Pathak, Post Office Katrasgarh, District Dhanbad and their workmen, by its order No. 2/149/66-LRII dated the 15th of Novemebr, 1966 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

- "(1) Whether the management of the South Govindpur Colliery of Shri H. I. Pathak, was justified in refusing employment to Sarvashri Jivan Mahato and Ramakant Prasad, Trammers, with effect from the 22nd August, 1966? If not, to what relief are the workmen entitled?
 - (2) Whether the action of the management of the said colliery in keeping Shri Ramdutt Singh, Pump Khalasi, under suspension for an indefinite period with effect from the 1st August, 1966, is justified? If not, to what relief is the workman entitled?
 - (3) Whether the management of the said colliery refused employment to Shri Jagdish Das, fitter mazdoor, during the period from the 8th August 1966 to the 3rd October, 1966? If so, to what relief is the workmen entitled?"
- 2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 155 of 1966 on its file. While it was pending there, the Central Government by its order No. 8/25/67-LRII dated the 8th of May, 1967 transferred the dispute to the Central Government Industrial Tribunal No. 2. Dhanbad where it was registered as reference No. 191 of 1967. The Central Government by its subsequent order No. 8/71/68-LRII dated the 13th of August, 1968 transferred the dispute to this Tribunal and here it has been re-numbered as reference No. 62 of 1968.
- 3. The Secretary Colliery Mazdoor Sangh filed written statement on 20th September 1968. Their case in respect to Sarvashri Jivan Mahato and Ramakant Prasad is that both of them had been working as permanent trammers at 15 Incline Bottom Seam. The trammers of 15 Incline Bottom Seam protested against non-payment of minimum guaranteed wage and demanded full payment of the same and the concerned workmen viz. Sarvashri Jivan Mahato and Ramakant Prasad took leading parts in this movement. The management got infuriated and with a view to victimising the two workmen concerned stopped them from work with effect from 22nd August, 1966 without any notice and without showing any reason. The remaining trammers refused to work in protest against this illegal lockout of two of their colleagues and demanded that they should be allowed to resume duties immediately. The management in pursuance of a pre-conceived plan, sent 50 goondas, mostly recruited from outside, to assault and drive away the peaceful trammers from the Incline mouth. The officer-in-charge of the Baghmara Police Station who came to enquire into the matter advised the management not to take any new hand in preference to the two workmen concerned and also advised the trammers to resume work for the time being. Inspite of the above advice, one Shri Kanta Rajwar, a new hand was sent to work as a frammer and none of the two trammers concerned was allowed to resume work inspite of their reporting for work. The case of the Union is that the concerned workmen are sitting idle although many junior persons are working and although many new hands have been recruited to work as trammers.
- 4. The management filed their written statement on 16th October 1968. Their case in respect to Sarvashri Jivan Mahato and Ramakant Prasad is that they were only temporary trammers. Shri Jivan Mahato was very irregular and had worked since week ending 21st May 1966 till 22nd August 1966. Sri Ramakant Prasad joined the Colliery sometimes in the year 1964 and even during the

period of his service he was very irregular in attendance. According to the management due to the absence of miners during the rainy season there was abnormal fall in the raisings and it was decided to replace one trammer from each of the two shifts and with this object the services of the concerned temporary trammers viz. Sarvashri Jivan Mahato and Ramakant Prasad were terminated and they were offered one week's pay in lieu of notice. According to the management inspite of the termination of the above two trammers Shri Jivan Mahato came to the colliery on 22nd August 1966 and wanted to work forcibly. The other trammers made a common cause and indulged in serious violence when the Police had to intervene. According to the management the termination of services of Sarvashri Jivan Mahato and Ramakant Prasad who were temporary trammers was justified and they were not entitled to any relief. The other allegations made by the Union are denied by the management.

- 5. In respect to Ramdutt Singh, Pump Khalasi the case of the Union is that he was chargesheeted on 1st August 1966 under clause 18(1)(b) of the Company's Standing Order on the allegation that he broke the walls of 14 scam attendance room and stole away the two door beams with the door frame fitted therein on room and stole away the two door beams with the door frame litted therein on 28th July 1966. He was to remain susppended pending completion of enquiry. The workman replied to the chargesheet on 5th August 1966 denying the charge. According to the Union the management did neither hold any enquiry nor did it allow the workman to resume duties. Nor was the workman paid wages for the period of illegal suspension. The management without holding any enquiry and without giving any chance to the workman to defend himself, terminated the services of the workman with effect from the 31st of October, 1966.
- 6. According to the management a chargesheet dated 1st August 1960 was issued to Shri Ramdutt Singh for misconduct of breaking the wall of 14 seam attendance room and stealing two door leaves with the door frame fitted therein attendance room and stealing two door leaves with the door frame fitted therein and he was suspended pending inquiry into the above chargesheet. Inspite of the repeated chance Shri Ramdutt Singh refused to attend the departmental enquiry and therefore, it had to be held in his absence ext-parts. The misconduct mentioned in the chargesheet was satisfactorily established and he was dismissed by letter dated 29th October 1966. The suspension of Sri Ramdutt Singh was only pending enquiry into the chargesheet and not as a measure of punishment and as such it cannot be made a subject matter of Industrial Dis Under the circumstances Sri Ramdutt Singh is not entitled to any relief, other allegations by the Union are denied.
- 7. In respect of Shri Jagdish Das, Fitter Mazdoor, the case of the Union is that Shri Jagdish Das has been working as a permanent fitter mazdoor at the South Govindpur Colliery for several years. All on a sudden without showing any reason and without any notice he was denied employment with effect from the August 1988. Subsequently he was allowed by the reason that the respect to the several part of the 8th August, 1966. Subsequently he was allowed by the management to resume work with effect from the 4th October, 1966. But he was not paid wages for the days of idleness from 8th August, 1966 to 3rd October, 1966.
- According to the management Shri Jagdish Das's substantive post was that of a general mezdoor. He, however, sometimes worked along with a fitter as fitter mazdoor. Shri Jagdish Das was very irregular in his attendance. He worked for only one day during week ending 13th August 1966 and thereafter voluntarily remained absent. He however, joined on 4th October 1966. The management did not take any disciplinary action against the workman for habitual absence without any authorised leave. According to the management Shri Jagdish Das was not refused employment during the period from 8th August 1966 to 3rd October 1966 but as a matter of fact he voluntarily absented.
- 9. According to the Union the action of the management in refusing employment to Shri Jivan Mahato and Shri Ramakant Prasad and suspending Shri Ramakant Prasad and suspending Shri Ramakant Prasad and suspending Shri Ramakant Prasad and Shri Ramak dutt Singh, Pump Khalasi and refusing employment to Shri Jagdish Das from 8th August 1966 to 3rd October 1966 was unfair, unjustified and malafide. On the other hand according to the management on the facts and circumstances mentioned above the concerned workmen are not entitled to any relief.
- 10. On behalf of the management one witness was examined viz., Shri V. H. Thaker who is the manager of the Colliery. They have also filed 13 items of documents which are marked Ext. M-1 to M-13. The Union on the other hand examined two witness viz. Ramakant Prasad, workman mentioned in serial No. 2 of item No. 1 of the schedule and Jagdish Das, workman mentioned in item No. 3 of the Schedule of the reference. They have also filed 3 items of documents and they are marked Ext. W-1 to W-3.

Sarvashri Jivan Mahato and Ramakant Prasad.

- 11. According to the management Sarvashri Jivan Mahato and Ramakant Pra-11. According to the management Sarvashri Jivan Mahato and Ramakant Prasad were temporary trammers working in the 15 incline mine. Shri Jivan Mahato worked in this colliery in the year 1966 from week ending 20th August 1966 and that in the year 1966 Sri Jivan Mahato put only 66 days of attendance. According to the management he was irregular in his attendance and he worked only in 15 incline mine. In this connection the management has filed the attendance register of the year 1966 (Ext. M-1) and the attendance registers for the year 1967 (Ext. M-3) and also the wagesheets (Ext. M-2) Ext. M-11 is the extract prepared from the attendance registers. Ext. M-1 and M-3. Ext. M-1 and M-3 show that Shri Jivan Mahato worked only 66 days in the year 1966. According to the management Shri Ramakant Prasad was appointed in the year 1964. He was also working as a trammer in the 15 top seam and he was very irregular in his attendance. Ext M-11 is the extract which has been prepared with reference to the attendance registers Ext. M-1 and M-3 and also with reference to the wagesheet Ext. M-2. According to M-1 and M-3 and also with reference to the wagesheet Ext. M-2. According to M-11 Shri Ramakant Prasad worked for 51 days in the year 1964. He did not work for a single day in the year 1965 and that he worked for 120 days in the year 1966 with breaks.
- 12. The case of the management is that is the year 1966 during the rainy season there was a shortage of miners because some of the permanent miners went away for cultivation and consequently the raising dropped and therefore, the services of these two trammers viz. Jivan Mahato and Ramakant Prasad were terminated by letter dated 13th August 1966. Ext. M-4 is the letter dated 13th August 1966 terminating the services of Shri Jivan Mahato and Ext. M-5 is the notice of termination of service of Ramakant Prasad with offset form 19th the notice of termination of service of Ramakant Prasad with effect from 13th August 1966. According to the management the services of these two trammers were rendered surplus on account of fall in the raisings and therefore, since they were temporary trammers their services were terminated by notices Ext. M-4 and M-5. According to the management they terminated the services of the M-4 and M-5. According to the management they terminated the services of the aforesaid two trammers in the bona-fide exercise of the right. There is no sufficient evidence to show that the services of these two trammers were terminated on account of victimization or unfair labour practice. Ext. M-12 shows that Shri Jivan Mahato received full and final payment. Shri Jivan Mahato has not been examined to deny this fact. Ext. M-10 shows that Shri Ramakant Prasad also received full and final payment on 8th February 1969. Ext. M-10 was marked on admission and the signature of Shri Ramakant Prasad appears on it and there is no sufficient evidence before me to hold that it was a sufficient evidence before me to hold that it was a survive decre there is no sufficient evidence before me to hold that it was a spurious docu-
- 13. As already stated above I hold that the Union failed to prove that the discharge is mala fide. There is no sufficient evidence before me to hold that the termination of service was either arbitrary or capricious. In this view of the case I hold that the termination of the service of Sarvashri Jivan Mahato and Ramakant Prusad who were temporary trammers was justified,

Ramdutt Singh, Pump Khalasi.

14. Ext. M-7 is the chargesheet dated 1st August 1966 Issued against the concerned worken Shri Ramdutt Singh. Ext. M-7 shows that Shri Ramdutt Singh was charged under clause 18(1) (b) (a) of the Company's Standing Order on the allegation that on 28th July 1966 he broke the walls of 14 seam attendance the allegation that on 28th July 1966 he broke the walls of 14 seam attendance room and stole away two door leaves along with door frames fitted therein. He was suspended rending completion of enquiry. Ext. M-8 dated 5th August 1966 is the reply to the chargesheet denying the charge. It appears that there was a departmental enquiry and he was found guilty of the charge brought against him and consquently he was dismissed by letter dated 29th October 1966 (Ext. M-9). Ext. M-13 shows that there was an industrial dispute in respect to the dismissal of the concerned workman Shri Ramdutt Singh and the Industrial Tribunal up-held the dismissal and Ext. M-13 is the award. The Tribunal up-held the dismissal from service of Ramdutt Singh. Shri Ramdutt Singh was consequently under suspension from 1st August 1966 to 29th October 1966. Under clause 18(i) (b) (a) of the Standing Order of the Company where the period of suspension pending the departmental enquiry exceeds 10 days the workman shall be paid half wages for such period in excess of 10 days. Ramdutt Singh was be paid half wages for such period in excess of 10 days. Ramdutt Singh was suspended pending enquiry into the charge of misconduct. The Enquirying Officer found that the misconduct was proved and the dismissal was up-held by the Tribunal. Ext. M-13, the award further shows that the delay in the departmental enquiry was on account of the non-attendance of the concerned workman

Shri Ramdutt Singh. Therefore, I find that the concerned workman Shri Ramdutt Singh was suspended pending enquiry as per Standing Order. In the departmental enquiry the charge was proved and he was dismissed from service with effect from 29th October 1966. As already stated above Ext. M-13, the award shows the the concerned workman Shri Ramdutt Singh was responsible for prolonging the departmental enquiry on account of his absence.

15. In this view of the case I hold that the concerned workman Shri Ramdutt Singh is not entitled to any relief.

Jagdish Das.

- 16. According to the Union Shri Jagdish Das was refused employment by the management during the period from 8th August 1966 to 3rd October 1966. According to the management he was very irregular in his attendance and he worked only one day during week ending 13th August 1966 and thereafter voluntarily absented. The management did not take any disciplinary action against the concerned workman for his habitual absence. The concerned workman re-joined on 4th October 1966. In this connection MW-1 Shri V. H. Thaker, the Manager of the Colliery has stated in his evidence that the concerned workman Shri Jagdish Das was a general mazdoor. Sometimes he used to work as fitter mazdoor. He was very irregular in his attendance. In week ending 13th August 1966 he had worked only for one day. According to the management the concerned workman Shri Jagdish Das was absent during the period from 8th August 1966 to 3rd October 1966 excepting one day. In this connection they have also filed Ext. M-1 and M-3, attendance registers. According to the management he was not refused employment during the period 8th August 1966 to 3rd October 1966. The Union has not given any congent reason or any satisfactory explanation as to why the management refused employment to the concerned workman Shri Jagdish Das only for this limited period. The management has filed their registers to show that during this period the concerned workman Shri Jagdish Das voluntarily absented himself. No case of victimisation has been made out by the Union.
- 17. As already stated above I fail to understand as to why the management refused employment between the period 8th August 1966 to 3rd October 1966 whey they allowed the concerned workman to work from 4th October 1966. I therefore, hold that the Union has failed to prove that the management refused employment to the concerned workman Shri Jagdish Das between the period 8th August 1966 to 3rd October 1966.
- 18. To sum up I hold that the management was justified in refusing employment to Sarvashi Jivan Mahato and Ramakant Prasad with effect from the 22nd of August, 1966 and the workmen are not entitled to any relief. Similarly I hold that the suspension of Shri Ramdutt Singh, Pump Khalasi with effect from 1st August, 1966 was justified and he is not entitled to any relief. I further hold that the management did not refuse employment to Shri Jagdish Das, fitter mazdoor during the period from the th August, 1966 to the 3rd October, 1966 and the workman is not entitled to any relief.
- 19. This is my award. It may now be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) Sachidanand Sinha, Presiding Officer. [No. 2/149/66-LRII.1

S.O. 4277.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3) Dhanbad, in the industrial dispute between the employers in relation to the Chhota Bowa Colliery Post Office Banajora, District Dhanbad and their workmen, which was received by the Central Government on the 29th September 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 3) AT DHANBAD
REFERENCE No. 17 of 1968

PRESENT:

Shri Sachidanand Sinha, M.A.M.L.,—Presiding Officer-

Employers in relation to the Chhota Bowa Colliery

Vs.
Their Workmen.

Appearances:

For Employers—Shri S. S. Mukherjee, Advocate.

For Workmen-S/Shri M. P. Verma and B. Lall, Advocates,

INDUSTRY: Coal. Dhanbad, dated the 18th of September, 1969 STATE: Bihar.

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Chhota Bowr Colliery, Post Office Bansjora, District Dhanbad, and their workmen, by its order No. 2|29|66-LRII, dated the 1st of April, 1966, referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:-

SCHEDULE

"Whether the following fourteen workmen were stopped from working by the management of the Chhota Bowa Colliery with effect from the date shown against each of them? If so, whether this action of the management was justified and, if not, to what relief are these workmen entitled?

- Sukhai Harizan, Miner, from 4-1-65.
- Deolal Dusadh, Miner, from 10-2-64.
- 3. Bara Sitaram Koiri, Miner, from 18-2-65.
- 4. Ram Jiwan Kolri, Miner, from 19-2-65.
- 5. Chaitu Koiri Miner, from 4-1-65.
- 6. Lakhan Dusadh, Miner, from 10-2-65.7. Ramjatan Koiri, Miner, from 9-4-65.
- 8. Terhai Pashi, Miner, from 9-4-65.
- 9. Seokaran Koiri, Miner, from 19-5-65. 10. Rambharosh Koiri, Miner, from 18-5-65.
- 11. Gautam Pandey, Bailing Mazdoor, from 4-1-65.
- 12. Sukhdeo Harizan, Miner, from 4-1-65.
- 13. Lall Bahadur Gope, Miner from 4-1-65.
- 14. Lall Munga Gope, Night Guard, from 21-1-65.
- 2. The Central Government Industrial Tribunal, Dhanbad, registered the refer-2. The Central Government Industrial Tribunal, Dhanbad, registered the reference as reference No. 71 of 1966 on its file. While it was pending there the Central Government, by its order No. 8|25|67-LRII, dated the 8th of May, 1967, transferred the dispute to the Central Government Industrial Tribunal No. 2, Dhanbad where it was registered as reference No. 133 of 1967. The Central Government by its subsequent order No. 8|71|68-LRII, dated the 13th of August, 1968, transferred the dispute to this Tribunal and here it has been renumbered as reference No. 17 of 1968.
- 3. In this case the management filed their written statement on 6th May, 1966. On behalf of the workmen the dispute was sponsored by the Mine Mazdoor Union. The written statement was submitted on behalf of the workmen by the Mine Mazdoor Union on 6th August, 1966. After filing the written statement it appeared that the Mine Mazdoor Union ceased to sponsor the case for reasons based known to them. Thereupon the workmen filed a petition for permitting Sri M. P. Verma, Advocate, Dhanbad to represent them and they also filed a fresh written state-ment. According to the workmen Sri I. H. Khan of Mine Mazdoor Union who had filed the written statement was in collusion with the management and that the written statement filed by the Mine Mazdoor Union on 6th August, 1966 also contained some incorrect facts which were derogatory to the interests of the workmen.
- 4. The parties were heard on this point and it was held by me that there were exceptional circumstances to justify to permit some other representation to the workmen and I permitted the concerned workmen to be represented by Sarvashree M. P. Verma and Tarni Prasad, Advocates under section 36(4) of the Industrial Disputes Act. The supplementary written statement that was earlier filed on behalf of the workman on 20th June, 1968, was accepted.
- 5. On behalf of the management it was contended that the present reference arises out of an individual dispute and as it is neither supported by any substantial number of workmen nor their Union, it is outside the scope of the Industrial

Disputes Act. It was further contended that none of the workmen concerned in the present reference was a member of the Mine Mazdoor Union at the relevant time.

- 6. On behalf of the workmen it was said that these workmen were the members of the Union at the relevant time and that the dispute was sponsored by the Mine Mazdoor Union of which the workmen were the members but unfortunately the management has been able to win over Sri B. N. Sharma and Sri Imamul Hai Khan the leaders of the Union and then they filed the present written statement through Sri M. P. Verma, on 20th June, 1968.
- 7. According to the employers the workmen mentioned in the Schedule of the reference were not stopped from working with effect from the date mentioned against their names and that the dates of the alleged stoppage from work mentioned in the schedule of the reference are incorrect and the present reference is liable to be dismissed on that ground alone. Whereas it was contended on behalf of the workmen that they were stopped from their work without any reason by the employers from the dates mentioned in the schedule against their names.

WORKMEN MENTIONED IN SERIAL NOS. 1 to 6

- 8. In respect to the workmen mentioned in serial Nos. 1 to 6 the case of the management is that at the instance of the Congress Mazdoor Sangh a Conciliation Proceeding was started for the workmen mentioned in the serial Nos. 1 to 6 of the Schedule. On 18th December, 1964, during the conciliation proceeding it was agreed that the workmen will be taken back to work. The workmen accordingly joined their duties on 24th February, 1965 and again absented themselves without permission or authorised leave since 27th February, 1965, for which after waiting for a considerable period, charge sheets, dated 14th April, 1965, were issued to the workmen individually. In spite of repeated reminders and chances, the workmen did not submit any explanation to the chargesheet and finally by letter, dated 15th June, 1965, the departmental enquiry was fixed on 23rd June, 1965. As the workmen failed to attend the above departmental enquiry, they were given one more chance to attend the same and the enquiry was fixed for 19th July, 1965. As in spite of repeated chances, the workmen neither replied to the chargesheets nor attended the enquiry it was held in their absence. As in the above departmental enquiry, the misconduct mentioned in the chargesheet was satisfactorily established, the workmen were dismissed by letter, dated 24|25th August, 1965.
- 9. On the other hand the case of the workmen is that so far the workmen mentioned in serial Nos. 1 to 6 are concerned a conciliation proceeding had ended in favour of these workmen on 18th February, 1965 and the employer was directed to take back these workers to work but the management when approached did not permit these workers to join their duties and falsely showed their attendance in their registers from 24th February, 1965 to 26th February, 1965 and in order to defeat the claims of these workmen they have manoeuvred to show these workmen absent from 27th February, 1965, although as a matter of fact the assurance given by them in conciliation was not acted upon by the employers and these workmen were not permitted by the employers to join their duties for a single day. The employers in order to get rid from the clutches of Industrial Law and Code of Discipline issued false chargeshects containing false allegation. On 27th February, 1965 the employer got a flase case instituted against these workmen who were arrested on 27th February. 1965 and kept in jail Hazat till 8th April, 1965. On 9th April, 1965, these workmen again approached for duty but were not given work and after some more manbeuvring illegally dismissed these workmen. According to them it was not correct to say that these workmen willfully absented from work and also from the departmental enquiry as claimed by the employers. As a matter of fact no departmental enquiry was ever held and the documents filed by the employers in this behalf are fabricated.

WORKMEN MENTIONED IN SERIAL NOS. 7 AND 8

10. According to the management these workmen Sri Ramjatan Koiri and Sri Terhai Passi workmen mentioned in serial Nos. 7 and 8 were absenting without permission or authorised leave since 9th April, 1965 and as such chargesheets, dated 26th April, 1965, were issued to them. The workmen neither replied to the chargesheets nor attended the enquiry. It was therefore, held in their absence on 19th July, 1965. In the above departmental enquiry the misconduct mentioned in the chargesheets was satisfactorily established and the workmen mentioned in serial No. 7 and 8 were dismissed by letter, dated 24/25th August, 1965.

11. Whereas according to the workmen these two workmen Sri Ramjatan Koiri and Terhai Passi were kept idle from 8th April, 1965 and the management had stopped them from working without any notice or charge sheet and for which the Union had lodged the complaint against the management and by letter, dated the 28th April, 1965, the Concillation Officer, Dhanbad directed the employer to take back these workmen in service without any further delay, but the management ignored it and did not permit these workmen to join their duties. The chargesheet and the departmental enquiry are all paper transactions of the employer with a malafide intention and a clear violation of Code of Discipline and Îndustrial Law.

WORKMEN MENTIONED IN SERIAL NOS. 9 AND 10

- 12. According to the management Sri Seokaran Koiri, workman mentioned in serial No. 9 was absenting without permission or authorised leave and therefore, a chargesheet, dated 30th August, 1965, was issued to him. He was also directed to report for duties on or before 8th September, 1965. The workman mentioned in serial No. 10 Sri Rambhoros Koiri was also absenting without permission or authorised leave since 18th May, 1965, for which a chargesheet, dated 30tht August, 1965 was issued to him. He was also directed to report for duties on or before 8th September, 1965. According to the management the above workmen neither replied to the chargesheets nor attended the departmental enquiry which was field on 7th October, 1965. In the above departmental enquiry the misconduct mentioned in the chargesheet was satisfactorily established and the workmen were dismissed by letters, dated 9th October, 1965.
- 13. According to the workmen, the workmen mentioned in serial Nos. 9 and 10 were active members of the Union and were victimised for their Trade Union activities. The case of these workmen are also like all other workmen and that the employer had given a show of chargesheet and departmental enquiry although no such enquiry was held,

WORKMEN MENTIONED IN SERIAL NOS. 11, 12, 13 & 14

- 14. According to the management Sri Gautam Pandey workman mentioned in serial No. 11 was found sleeping on duty for which a chargesheet, dated 30th October, 1965, was issued to him. On receipt of his reply a departmental enquiry was held in his presence and he was found guilty of the misconduct. However, he was very leniently dealt with and was suspended for 6 days only with effect from 7th December, 1964. Sri Gautam Pandey was due to join after the above suspension on 13th December, 1964, but he remained absent without permission and was not heard of. As it was not possible to wait for Sri Gautam Pandey indefinitely, the manager by letter, dated 18th August, 1965, informed the Managing Partner about it and sought his approval to dismiss the workman and he was dismissed by letter, dated 24 25th August, 1965, with the approval of the Managing Partner.
- 15. According to the conciliation proceeding on 18th February, 1965, it was agreed that Sri Sukhdoo Harizan workman mentioned in serial No. 12 along with a few other workmen will be taken back to work. Although in pursuance of this settlement all other workmen joined. Sri Sukhdeo Harizan preferred to remain absent without information or authorised leave and that waiting for about to months for the workman to join, the Manager, ultimately by Letter, dated 25th August, 1965, informed the Managing partner about the long absence of Sri Sukhdeo Harizan and recommended for his dismissal as it was not possible to wait for him indefinitely and that on account of long absence without any authorised leave Sri Suklideo Harizan was dismissed by letter, dated 30th August, 1965.
- 16. In respect to Sri Lall Bahadur Gope, workman mentioned in scrial No. 13 it was alleged by the management that Sri Lall Bahadur Gope was remaining absent without permission or authorised leave for about 6 months. The management by letter, dated 18th August, 1965, informed the Managing Partner about it and recommended for his dismissal. On account of the long and unauthorised absence the workman was dismissed by letter, dated 24|25th August, 1965.
- 17. In respect to Sri Lall Munga Gope, workman mentioned in serial No. 14 it was said by the management that the workman was working as a night guard. During his duty hours one piece of rail was stolen from the depot for which a chargesheet, dated 1st January, 1965, was issued to him and that the departmental enquiry was fixed on 18th January, 1965 and as the workman failed to attend the

same without any valid reason it was held in his absence. In the above departmental enquiry the misconduct mentioned in the chargesheet was satisfactorfly established and Sri Lall Munga Gope was dismissed by letter, dated 21st January. 1965.

- 18. According to the management the workmen concerned in the present reference were dismissed on different dates for proved misconduct and they are not entitled to any relief.
- 19. According to the workmen, the following workmen viz. Sri Gautam Pandey, workman mentioned in serial No. 11, Sri Sukhdeo Harizan mentioned in serial No. 12, Lall Bahadur Gope, mentioned in serial No. 13, and Sri Lalmunga Gope, mentioned in serial No. 14 were victimised by the employers for taking active part in the Trade Union activities and were sent to jail by the employers. In order to prejudice their case it is falsely alleged that these workmen preferred to remain absent without information to the management. According to the workmen these workmen requested the manager several times even through registered post to give them work and simultaneously forwarded the copies of the same to the Conciliation Officer, Dhanbad and the office bearer of the Union had also from time to time lodged the complaint with the Conciliation Officer against this attitude of the employers. But the management refused work to these workmen, got them imprisoned on false charges and after fabricating their own paper made out a case against them and showed them as dismissed. According to the workmen all these were done only for the purpose to victimise these workmen for their trade union activities. According to the workmen the management was not justified in stopping the work to these workmen from the dates mentioned in the order of reference and they prayed that they should be reinstated with full back wages from the date of stoppage of work till their reinstatement.
- 20. The management has raised the plea that the present dispute is not an industrial dispute but an individual one as it is neither supported by any substantial numbers of the workmen nor their Union.
- 21. For a reference under section 10(1) of the Act to be competent, the reference must be taken up and supported by the Union at the date of reference. The crucial date therefore, is the date of reference. Once the dispute is shown to have been supported prior to the date of reference and the machinery of the Act is set into motion by a competent reference the jurisdiction of the Industrial Tribunal to proceed in the matter is not in any way affected by the fact that subsequent to the date of the reference, the Union which had originally sponsored the cause, have later resiled and withdrawn from it.
- 22. The crucial date is the date of reference. The present reference was duly supported by the Union prior to and on the date of reference though subsequently the Union resiled and withdrew its support. These workmen were the members of the Union at the relevant time. The dispute was sponsored by the Vice President, Mines Mazdoor Union by their letter dated the 20th October, 1965, before the Assistant Labour Commissioner. Dhanbad. Subsequently the Union which sponsored the cause resiled and withdrew its support. The Union raised the dispute on behalf of the workmen while they were the members of the Union. Once the dispute is referred it does not lose the character of the industrial dispute even if the Union does not continue to support the case of the workmen. The jurisdiction of the Tribunal to proceed in the matter is not in any way affected on the fact that subsequent to the date of the reference the Union had withdrawn their support to the dispute.
- 23. As already stated above the crucial date is the date of reference. I therefore, hold that the present dispute is an industrial dispute and not an individual dispute. I may also note here that this point was also not seriously pressed by the management at the time of hearing.
- 24. I shall now deal with the merits of the case of individual workmen concerned in this dispute.

WORKMEN MENTIONED IN SERIAL NOS. 1 TO 6

25. The management has filed a number of documents concerning these workmen. Ext. M-2 is the letter of the Conciliation Officer dated 3rd March, 1965, addressed to the management. From this letter it appears that there was a conciliation proceeding on 18th February, 1965, and in that conciliation proceeding the management had agreed to take back the workmen mentioned in serial

Nos. 1 to 5 and 12. According to the management out of the six persons mentioned in Ext. M.-2, five workmen mentioned in serial Nos. 1 to 5 in the order of reference resumed their work on 24th February, 1965, and they continued to work for 3 days, i.e., from 24th February, 1965 to 26th February, 1965. The workmen mentioned in serial Nos. 1 to 6 remained absent without permission or authorised leave since 27th February, 1965, and when they remained absent the management issued chargesheets to these six workmen mentioned in serial Nos. 1 to 6. Ext. M.-3 is the chargesheet issued to the concerned workmen mentioned in serial Nos. 1 to 6 on the ground that they were absenting from duties without permission from the management from 27th February, 1965. Ext. M.-10 to M.-15 are the notices of enquiry intimating that the departmental enquiry shall take place on 23rd June, 1965, at 8 A.M. It appears that the workmen did not present themselves on 23rd June, 1965. Ext. M.-16 to M.-21 are the notices of enquiry intimating that the enquiry shall be held on the 19th of July, 1965, at 8 A.M. The workmen did not present themselves even on the 19th July, 1965, and therefore, the domestic enquiry took place ex parte in their absence. Ext. M.-22 is the departmental proceeding and Ext. M.-23 is the report of the Enquiring Officer. The Enquiring Officer recommended their dismissal from service. The recommendation of the management had also filed papers to show that the workmen joined for the period 24th February, 1965, 25th February, 1965. Ext. M.-84 is the wage sheet showing the attendance of these workmen and the wage earned for three days. According to the management the workmen did not accept the payment and therefore, it was sent by M.O. and Ext. M.-78 to M.-83 are the M.O. receipts. Therefore, according to the management the workmen did not accept the payment and therefore, it was sent by M.O. and Ext. M.-78 to M.-83 are the M.O. receipts. Therefore, according to the management the order of reference but as a matter of fact th

WORKMEN MENTIONED IN SERIAL NOS. 7 AND 8.

26. According to the management the workman mentioned in serial No. 7 Sri Ramjatan Koiri and Sri Terhal Passi workman mentioned in serial No. 8 remained absent without permission or authorised leave since 9th April, 1965, and therefore, chargesheets were issued to these workmen on the ground that they were absenting themselves from duty since 9th April, 1965 without permission from the management. Ext. M-32 is the chargesheet, Ext. M-33 and M-34 are the notices of enquiry showing that the enquiry shall take place on 23rd June, 1965 at 8 A.M. It appears that the workmen did not appear on 23rd June, 1965 and therefore, fresh notices were issued to them informing that the enquiry will be held on 19th July, 1965. Ext. M-35 and M-36 are the notices issued to the workmen by the management. The concerned workmen did not attend the enquiry and therefore, it was held ex-parte in their absence. Ext. M-37 is the enquiry proceeding and Ext. M-38 is the report of the Enquiring Officer. The enquiry officer held that the charge was proved and recommended for their dismissal and the same was approved by the Managing Partner. Ext. M-39 and M-40 are the letters of dismissal dated the 24/25th August, 1965. Therefore, according to the management their case is that these workmen were not stopped from work on the dates shown against their names in the order of reference but as a matter of fact they were dismissed on the 25th of August, 1965.

WORKMEN MENTIONED IN SERIAL NOS. 9 AND 10

27. The case of the management is that the workman mentioned in serial No. 9 Sri Seokaran Koiri was found absent from 19th May, 1965 and the workman mentioned in serial No. 10 Sri Rambhorosh Koiri was found absent since 18th May, 1965 without permission or authorised leave and therefore, they were erved chargesheets dated 30th August, 1965. Ext. M-42 and M-43 are the chargesheets issued to these workmen. Ext. M-44 and M-45 are the notices of enquiry intimating to these workmen that the enquiry shall be held on the 24th September, 1965 at 9 A.M. It appears that they did not attend the enquiry on that date and therefore the enquiry was adjourned to 7th October. 1965 at 9 A.M. Ext. M-48 and M-49 are the notices of enquiry intimating that the enquiry shall take place on that date. But they did not attend the enquiry and therefore, the enquiry was held ex-parte in their absence on 7th October, 1965. Ext. M-52 is the enquiring proceeding and Ext. M-53 is the report of the enquiring Officer. He recommended for their dismissal and it was approved by

the partner. Ext. M-54 and M-55 are the letters of dismissal dated 9th October, 1965. Therefore, according to the management their case is that these workmen were not stopped on the dates given in the order of reference but they absented themselves without any leave and hence they were dismissed.

WORKMEN MENTIONED IN SERIAL NO. 11, GAUTAM PANDEY.

28. Sri Gautam Pandey was charged on the allegation that on 30th October, 1964, in the night shift he was found sleeping by Sri Ramji Pandey, Overman at 2 A.M. for which a chargesheet Lated 31st October, 1964, was issued to him vide Ext. M-58. He was accordingly suspended by letter dated the 2nd of December, 1964, for six days with effect from 7th December, 1964. (vide Ext. M-59). Sri Gautam Pandey did not join on the 13th of December, 1964, and remained absent without any intimation or authorised leave since then. This was brought to the notice to the Managing Partner by letter dated 18th August, 1965, (vide Ext. M-6(). Therefore, according to the management Sri Gautam Pandey was on unauthorised leave since 13th December, 1964, and ultimately dismissed on the 25th August, 1965, and therefore, according to the management Sri Gautam Pandey was not stopped from work on 4th January, 1965. On the other hand he was dismissed for continuous absence without leave on 25th August, 1965.

SHRI SUKHDEO HARIJAN, WORKMEN MENTIONED IN SERIAL NO. 12.

29. In respect to him it is said that the management agreed that Sri Sukhdeo Harijan along with workmen mentioned in serial Nos. 1 to 5 will be taken back to work but Sri Sukhdeo Harijan never joined his duty. This fact was intimated by the manager to Sri S. K. Sinha, Managing Partner of the management (vide Ext. M-63) and accordingly he was dismissed by letter dated 30th August, 1965, (Vide Ext. M-64) for his unauthorised absence. The management considered his absence as voluntarily abandonment of the appointment. So according to the management he was not stopped from work on 4th January, 1965, he voluntarily abandoned the job.

SRI LALL BAHADUR GOPE, WORKMAN MENTIONED IN SERIAL NO. 13

30. About him it was said that he remained absent without any intimation till 18th August, 1965, (vide Ext. M-66) and accordingly he was dismissed by letter dated 24/25th August, 1965, (vide Ext. M-67). Therefore, according to the management Sri Lall Bahadur Gope was not stopped from work on 4th January, 1965. On the other hand he was dismissed by letter dated 24/25th August, 1965.

SRI LALL MUNGA GOPE, WORKMAN MENTIONED IN SERIAL NO. 14

- 31. About him it was said that he was chargesheeted on 29th November, 1964, on the allegation that while he was on duty one piece of rail was stolen from the depot (vide Ext. M-69). Ext. M-70 is the enquiry proceeding. Ext. M-71 is the report of the Enquiring Officer. Ext. M-72 is the recommendation of the Manager to Sri S. K. Sinha, Managing Partner for dismissal of Sri Lall Munga Gope. Ext. M-73 is the dismissal order terminating his services from 21st of January, 1965. Therefore, according to the management he was not stopped from work on 21st January, 1965, but he was dismissed for misconduct.
- 32. Before commenting on the aforesaid documents and discussing the evidence adduced on behalf of the workmen it is necessary for appreciating the merits of this case to ascertain the ambit and scope of the reference.
- 33. The jurisdiction of the Industrial Tribunal in dealing with the industrial disputes referred to it under section 10 is limited by section 10(4) to the point specifically mentioned in the reference and the matter incidental thereto. Where the Government has specified the points the Tribunal must confine itself to those points only or to the matters incidental to those points.
- 34. In Delhi Cloth and General Mills Co. Ltd., v. Workmen (1967) (1) L.L.J., page 423, the terms of reference, in addition to two issues relating to bonus, covered:
 - "3. Whether the strike at the Delhi Cloth Mills and the lock-out declared by the Management on the 24th February, 1966, are justified and legal and whether the workmen are entitled to wages for the period of the lock-out?

4. Whether the sit-down strike at the Swatantra Bharat Mills from 23rd February, 1966, is justified and legal and whether the workmen are entitled to wages during the period of the strike?"

All the four Unions on behalf of the workmen in the two mills contended that there was no strike at the Delhi Cloth Mills. Two of them contended that the strike at Swatantra Bharat Mills was in sympathy with the workmen of the Delhi Cloth Mills, while the other two Unions contended that there was a lock-out at Swatantra.

- 35. The Tribunal ordered that as the strike covered by issue No. 3 and the sit-down strike covered by issue No. 4 were thus disputed, it had to decide about the existence of these strikes. It allowed the parties to adduce evidence on those two issues.
- 36. The Management obtained special leave of the Supreme Court, after unsuccessfully challenging the Tribunal's order in the Punjab High Court, on the ground that the Tribunal could not extend the ambit of its jurisdiction.
- 37. It was held by the Supreme Court that while it is open to the appropriate Government to refer the dispute or any matter appearing to be connected therewith for adjudication, the Tribunal must confine its adjudication to the points of dispute referred and matters incidental thereto. In other words, the Tribunal is not free to enlarge the scope of the dispute referred to it but must confine its attention to the points specifically mentioned and anything which is incidental thereto. On the order of reference, it was not competent to the workmen to contend before the Tribunal that there was no strike at all; equally, it was not open to the management to argue that there was no lock-out declared by it. The parties would be allowed by their respective statement of cases to place before the Tribunal such facts and contentions as would explain their conduct or their stand, but they could not be allowed to argue that the order of reference was wrongly worded and that the very basis of the order of reference was open to challenge. It was certainly open to the management to show that the dispute which had been referred was not an industrial dispute at all so as to attract jurisdiction under the Industrial Disputes. Act. But the parties cannot be allowed to go a stage further and contend that the foundation of the dispute mentioned in the order of reference was non-existent and that the true dispute was something else. Under section 10(4) of the Act it is not competent to the Tribunal to entertain such a question.
- 38. In our opinion, therefore, the Tribunal had to examine issues 3 and 4 on the basis that there was strike at the D.C.M. unit and a sit-down strike at Swatantra Bharat Mill and that there was a lock-out declared with regard to the former as stated in the third term of reference. It was for the Tribunal to examine the evidence only on the question as to whether the strikes were justified and legal. It then had to come to its decision as to whether the workmen were entitled to the wages for the period of the lock-out in the Delhi Cloth Mills and for the period of the sit-down strike at the Swatantra Bharat Mills.
- 39. We have to examine the entire case with this background. According to the management their stand was that the workmen concerned in serial Nos. 1 to 10 and 14 were on unauthorised leave and were absenting from attending duty and were chargesheeted and after enquiry they were dismissed. In the cases of Gautam Pandey, workman mentioned in serial No. 11, Sukhdeo Harijan, workman mentioned in serial No. 12. Lal Bahadur Gope, workman mentioned in serial No. 13, it is said that they did not resume duties and that it was presumed that they had deserted the job and hence their services were terminated by notices
- 40. The point is that the question of dismissal from a particular date is not before the Tribunal. There was no issue regarding the dismissal or discharge of the concerned workman. The question of legality or illegality, justification or otherwise of the alleged dismissal by the management of the concerned workmen subsequent to the dates given in the order of reference against their names, as a result of departmental enquiry, is not within the scope of the Tribunal enquiring the present referenc. The issue before this Tribunal is whether there was stoppage from work from the dates given in the order of reference and whether the stoppage was justified or not?. Question for determination is what happened on those dates mentioned in the order of reference i.e., what happened on 4th January, 1965, or other subsequent dates as mentioned in the order of reference. What was the position on those dates and whether on those dates the concerned workmen were stopped from work.

- 41. According to the workmen they worked prior to the dates mentioned in the order of reference but they were stopped from work from the date mentioned in the order of reference. The management on their behalf have simply stated that they did not stop them from work on the dates mentioned against their names, But this simple statement is not enough to discharge the onus. If it was the contention of the management that they did not stop them they should have actually produced the attendance registers for the relevant dates in respect to all those workmen. They should have examined the attendance clerk and supervisory staff to show that on those dates the workmen actually worked and they were not stopped by the management. The non-production of the attendance registers and the concerned staff show that the management failed to prove the justification of the stoppage of work of the concerned workmen.
- 42. According to the management there was a conciliation proceeding in respect to the workmen mentioned in serial Nos. 1, 2, 3, 4, 5 and 12 on 18th February, pect to the workmen mentioned in serial Nos. 1, 2, 3, 4, 5 and 12 on 18th February, 1965. After the settlement out of six persons mentioned above five workmen mentioned in the serial Nos. 1 to 5 and serial No. 6 resumed their work on 24th February, 1965, and worked for 3 days and since 27th February, 1965, remained absent without authorised leave. According to the management these workmen were later on chargesheeted for their unauthorised absence from 27th February, 1965, and after proper enquiry they were found guilty and were dismissed. According to the management there was a settlement during the conciliation proceeding held on 18th February, 1965. ceeding held on 18th February, 1965.
- 43. Ext. M-2 shows that there was no settlement as envisaged under the vision of section 12(3) of the Industrial Disputes Act, 1947 but the management themselves had agreed to allow the workmen mentioned in Ext. M-2 to resume their duties. Ext. M-2 shows that there was a dispute between the management and the workmen regarding stoppage of work and that later on management agreed to allow them to resume their work.
- 44. The case of the workmen is that the management stopped them from work on 4th January, 1965, and informed the Local Gram Panchayat and got them arrested and later on they were falsely implicated in the G. P. case No. 10 of 1965 and that they were ultimately acquitted by the Munsif Magistrate on 21st January, 1967. Ext. W-1 is the judgement of that case. It shows that a criminal case was brought under section 379 against Sukhai Harijan, workman mentioned ase was brought under section 379 against Sukhai Harijah, workman mentioned in serial No. 1, Chaitu Koiri, workman mentioned in serial No. 5, Gautam Pandey, workman mentioned in serial No. 11, Sukhdeo Harijan, mentioned in serial No. 12 and Lall Bahadur Gope, mentioned in serial No. 13. In that case PW-2 Bharat Mahato, Chief Officer of the Gram Panchayat was examined and he has stated in his evidence that on 4th January, 1965, as ordered by the Mukhia he met the manager of the colliery and he arrested four accused persons there and took them to the Gram Panchayat Office. Therefore, from the judgement (Ext. W-1), it is clear that Sri Sukhai Harizan, workman mentioned in serial No. 1, Chaitu wor Kolri, workman mentioned in serial No. 5, Gautam Pandey, mentioned in serial No. 11, Sukhdeo Hartjan, workman mentioned in serial No. 12 and Lall Bahadur Gope, workman mentioned in serial No. 13 were arrested at the instance of the management.
- 45. WW-1 is Gautam Pandey workman mentioned in serial No. 11 and he has stated in his evidence that on 4th January, 1965, he got his attendance marked and went underground the mine at about 8 A.M. He came on the surface when required by the manager and the manager stopped him from work and he called Bharat Mahato, Chief Officer of the Gram Panchayat and got him arrested. In the meantime Sukhai, Sukhdeo and Lall Bahadur Gope mentioned in serial Nos. 1, 12 and 13 also came in the office and protested on which he also got them arrested, by the Chief Officer of the Gram Panchayat.
- 46. WW-2 is Sukhai Harizan, workman mentioned in serial No. 1. He has also stated in his evidence that on 4th January, 1965, the manager stopped him from work as he was doing union work and that on that day the Chief Officer of the Gram Panchayat was called and arrested him. The learned Munsif Magistrate who decided the criminal case G.R. No. 10 of 65 against Chaitu Koiri, workman mentioned in serial No. 1, Sukhai Harijan, workman mentioned in serial No. 1, Sukhai Harijan, workman mentioned in serial No. 1, Sukhai Harijan, workman mentioned in serial No. 12 and I all Bahadur Cope workman mentioned workman mentioned in serial No. 12 and Lall Bahadur Gope, workman mentioned in serial No. 13 and others also appears to have been believed the version of defence that they had formed an union of their own and the management was out to suppress and harass them and the criminal case was its product. This also

lends me to hold that the aforesald workmen were arrested at the instance of the management and hence stopped from work with effect from 4th January, 1965, without any justification. Ext. M-4 is an application dated 30th April, 1965, in which the workmen mentioned in serial No. 1, Sukhai Harizan, workman mentioned in serial No. 2, Deolal Dusadh, workman mentioned in serial No. 3, Bara Sitaram Koiri, workman mentioned in serial No. 5. Chaitu Koiri, workman mentioned in serial No. 6 Lakhan Dusadh and workman mentioned in serial No. 7 Ram Jatan Koiri had prayed the management to allow them to work instead of harrasing in such manner. The contention of the management that the workmen mentioned in serial Nos. 1 to 5 and 6 worked for 3 days from 24th February, 1965, to 26th February, 1965, does not appear to be genuine and correct. There is no sense as to why these workmen who approached the Conciliation Officer for work would leave their job.

- 47. In respect to workman mentioned in serial No. 7 Sri Ramjatan Koiri and the workman mentioned in serial No. 8 Sri Terhai Pashi, the case of the management is that they were absenting themselves from 9th April, 1965, without leave for which there was a departmental enquiry in which the misconduct was proved and they were dismissed. Whereas the case of the workmen is that they were stopped from work from 9th April, 1965.
- 48. Ext. W-5 is the letter dated 8th of May, 1965, by the Union to the Regional Labour Commissioner complaining that the management was neither allowing the workmen mentioned in serial Nos. 1 to 8 and 12 to resume their work nor they were paying their proper wages and bonus which was due to them. Ext. W-6 is the letter by the Union to the Conciliation Officer complaining that the workmen mentioned in serial Nos. 7 and 8 were stopped work by the management from 9th April, 1965, without any notice or chargesheet. Ext. W-7 is the another letter dated the 1st April, 1965, by the Union to the Suptd., of Police, Dhanbad complaining that the management is harassing the workmen mentioned in serial Nos. 7 and 8 along with other workmen. Ext. W-10 is the letter dated 6th May, 1966, from the concerned workmen. Ext. W-10 is the letter dated 6th May, 1966, from the concerned workmen. Sri Ramjatan Kolri workman mentioned in serial No. 7 and Sri Terhai Passi workman mentioned in serial No. 8 in which they have complained that they were illegally stopped from work. These Exts. have been filed by the workmen in order to show that these workmen were not absenting from duties but they were stopped from work. Had they been absenting without leave, in that case there was no necessity to rush to the union and the Conciliation Officer for seeking job.
- 49. Regarding Sheokaran Koiri Workman mentioned in serial No. 9 and Rambhorosh Koiri mentioned in serial No. 10 the contention of the management is that they were absenting from 19th May, 1965, and 18th May, 1965, respectively. Ext. W-8 is the letter dated the 9th of June, 1965, addressed by the Union to the Conciliation Officer complaining that the workmen mentioned in serial No. 9 Sheokaran Koiri and 10 Sri Ramborosh Koiri were stopped work from 18th May, 1965, without any notice or chargesheet. This also shows that they were not absenting from the duties. There was no sense in running to the Union and the Conciliation Officer for seeking job when they were absenting intentionally without leave.
- 50. In the case of Sri Gautam Pandey, workman mentioned in serial No. 11, the case of the management is that he never resumed work after 13th December, 1964, and consequently he was dismissed. Similarly in case of Sri Sukhdeo Harizan, workman mentioned in serial No. 12 it is stated that he did not resume his duty by 24th February, 1965, as per settlement or any date after and so he was dismissed. It was considered by the management that he deserted the job. Regarding Lall Bahadur Gope, workman mentioned in serial No. 13 it is said that he remained absent for more than six months and he was dismissed as it was considered that he also deserted the job.
- 51. Therefore, I find that in respect to workman Gautam Pandey, mentioned in serial No. 11. Sukhdeo Harizan, workman mentioned in serial No. 12 and Lall Bahadur Gope, workman mentioned in serial No. 13, the simple case of the management is that they abandoned their job. In the case of the aforesaid workman there was no chargesheet nor any departmental enquiry. They were dismissed on account of the fact that they abandoned the job.
- 52. Ext, W-1 shows that there was a theft case brought against Srl Gautam Pandey, Sukhdeo Harizan and Lall Bahadur Gope and that they were arrested on 4th January, 1965, by the Chief Officer Sri Bharat Mahato of the Gram Panchayat. WW-1 Sri Gautam Pandey has stated in his evidence how he was

arrested at the colliery, on 4th January, 1965, and that on that date along with him Sukhdeo Harizan, workman mentioned in serial No. 12, Sri Lall Bahadur. Gope, workman mentioned in serial No. 13 were also affested. On 4th January, 1965, they were arrested in the colliery at the instance of the Management. Ext. W-2 is the notice dated 4th February, 1965, under section 107 Cr. P.C. proceeding between the management and Sri Gautam Pandey workman mentioned in serial No. 11, Lall Bahadur Gope, workman mentioned in serial No. 13 and others. Ext. W-3 is the notice under section 107 Cr. P. C. dated the 18th of January, 1965, against Sri Lall Bahadur Gope, workman mentioned in serial No. 13, Sukhdeo Harizan, workman mentioned in serial No. 12 and others. These Exts. show that on 4th January, 1965, these workmen were at the colliery and that they were arrested at the colliery on 4th January, 1965, Ext. W-1 and W-2 are the notices under section 107 Cr. P. C. and these Exts. also show that they were at the colliery and a case was instituted under section 107 Cr. P. C. Therefore, there is no sense of deserting the job. On the other head the evidence goes to show that the workmen mentioned in serial Nos. 11, 12, and 13 were demanding their work. They approached the Union and the Conciliation Officer for their job but the management did not allow them to work.

- 53. Regarding Sri Lall Munga Gope, workman mentioned in serial No. 14: the management has taken the plea that the workmen was dismissed whereas the case of the workman is that he was stopped from work from 21st January, 1965. The management has filed the enquiry papers to show that there was an enquirying proceeding and after the enquiry the workman was dismissed from 21st. January, 1965.
- 54. Ext. W-1 shows that Sri Lall Munga Gope, workman mentioned in serial No. 14 was an accused in theft case brought by Mohan Singh. I have already stated above that the point to be considered by this Tribunal is whether Sri Lall! Munga Gope was stopped on 21st January, 1965, by the management from work? According to the management he was involved in a theft case and was consequently chargesheeted and dismissed. The point for consideration is not whether the dismissal by the management was justified. The point before this Tribunal is whether the management was justified in stopping his work on 21st January, 1965? There is no evidence on behalf of the management that he was not stopped from work from 21st January, 1965. The management has madeout a different case that he was involved in a theft case and subsequently charge-sheeted and dismissed.
- 55. There was no question of dismissal. The only question is whether there was stoppage from work by the management with effect from the dates shown against their names in the order of reference and if so whether the said stoppage was justified?
- 56. It is not open to this Tribunal to go into the question of dismissal of these concerned workmen. Dismissal is not a subject matter of the reference. The Tribunal has no jurisdiction to consider their dismissal. The question referred is whether the stoppage by the management with effect from the dates mentioned against their names in the order of reference is justified and therefore, the question of dismissal is beyond the scope of the reference.
- 57. The management has filed Ext. M-85 which is a letter dated the 15th of November, 1968, addressed by the Manager. Conudih colliery to the Manager, Chhota Bow Colliery, showing that Sri Sukhai Harlzan and Sri Sukhdeo Koiri were casual miners in this colliery. According to the management they are the workmen mentioned in serial Nos. 1 and 9. The management has also filed Ext. M-87 which is a letter from the Manager, Simlabahal colliery to the Manager, Chhota Bowa Colliery dated 21st November, 1968, showing that Sarvashri Chaitu Koiri. Bora Sitaram Koiri, Sukaran Koiri; Ramiiwan Koiri, Deolal Dusadh, Lakhan Dosadh, Terhai Pasi and Rambhoros Koiri were working in their colliery. According to the management these are the workmen mentioned in serial Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10. It was submitted before, me that these workmen suffered no losser of earning and therefore, in case of success they are not entitled to back-wages. According to the workmen they are not working somewhere else. On behalf of the workmen it is said that the Manager of the colliery has not been examined to prove that the aforesaid workmen are the identical workmen as mentioned in the order of reference and that the management has not produced attendance register and Form B registers of those colleirles in order to show that the persons concerned in the present reference are working there

- 58. Therefore, I hold that it is not satisfactorily proved that the workmen mentioned in serial Nos. 1 to 10 were working in other collieries during the period of their unemployment.
- 59. WW-1 Sri Gautam Pandey, workman concerned in serial No. 11 has stated in his evidence that he never worked in any other colliery till to-day. Similarly Sukhai Harizan, workman mentioned in serial No. 1 has stated in his evidence that he never worked in any other colliery after his work was stopped. Similarly Sri Terhai Pashi workman mentioned in serial No. 8 has stated in his evidence that he and Ramjatan Koiri workman mentioned in serial No. 7 never worked in any other colliery since they were stopped from work by the management and similarly Sri Rambhorosh Koiri, workman mentioned in serial No. 10 has stated in his evidence that he was refused work and he is sitting idle since then
- 60. I therefore, hold that there is no sufficient evidence that these workmen worked in any other colliery during the period of their idleness.
- 61. To sum up I hold that the workmen mentioned in serial Nos. 1 to 14 were stopped from working by the management and that the management was not justified in stopping the workmen from work from the dates shown against their names in the order of reference and therefore, these workmen are entitled to be reinstated with full back-wages from the date of their stoppage of work as shown in the order of reference upto the date of their reinstatement along with continuity of service.
- 62. This is my award. It may now be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

[No. 2/29/66-LRII.]

INDUSTRY: Coal.

S.O. 4278.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the 6 and 7 Pits, Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora. District Dhanbad and their workman, which was received by the Central Government on the 3rd October. 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act. 1947.

REFERENCE No. 20 of 1968

PARTIES:

Employers in relation to the Tata Iron and Steel Co. Ltd., Jamadoba.

And

Their Workman,

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers-Shri S. S. Mukherjee, Advocate.

For the Workman-Shri D. Narsingh, Advocate.

STATE: Bihar.

Dhanbad, the 25th September, 1969

AWARD

By order No. 2/61/67-LRII, the Central Government in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) has

made this reference for adjudication of an industrial dispute described in the schedule attached to the reference as follows:—

SCHEDIUS

- "Whether the action of the management of 6 and 7 Pits Jamadoba Colliery of M/s. Tata Iron and Steel Company Limited, Post Office Jealgora (Dhanbad) in dismissing Shri S. M. Misra, Clerk Grade II, from service with effect from 10th December, 1966, was an act of victimisation? If so, to what relief is the workman entitled?"
- 2. The facts of the case may be shortly stated. Sibu Bid, a general mazdoor of 6 and 7 Pits of Jamadoba Colliery of M/s. Tata Iron and Stee. Co. Ltd., was ill from the 15th to the 19th July, 1966. A bill for his sick allowance was drawn up during the week ending the 6th August, 1966. The payment purports to have been made to Sibu Bid on the 13th August, 1966. On that date, Shri S. M. Mishra was the Paymaster. His duty was to disburse the amounts payable to different persons on that date. One Tripura Banarjee acted as the witness. His duty was to identify the payee and to witness the payment. On the 22nd August, 1966, Sibu Bid filed an application before the Manager, stating that he had not received his sick allowance. Shri R. K. Varma, Welfare Officer, made enquiries from Sibu Bid and also saw the register on the 26th August, 1966. On the same date, he reported to the Manager that it appeared from the Sick Register that payment had been made to Sibu Bid but Sibu complained that the money had not been paid to him. Chargesheet (Ext. M) was issued on the 31st August, 1966 to Shri S. M. Mishra. It was stated therein that he was the paymaster on the 13th August, 1966 and the amount billed on account of sick allowance in favour of Sibu Bid for five days purported to have been paid by him but Sri Sibu Bid denied having received the payment and the payment had also not been entered on his bonus card form XI. The chargesheet further stated that it was clear from the above facts that Shri S. M. Mishra had "knowingly made payment to a wrong person". His act as alleged amounted to serious misconduct under clause 19(ii) of the standing orders and warranted serious action. He was, therefore, called upon to show cause. In his reply [Ext. M(a)], Shri S. M. Mishra stated that the "Complaint of Shri Sibu Bid that he did not receive his sick allowance for the week ending 6th August, 1966 on 13th August, 1966 is not true and correct." The payment was correctly made on 13th August, 1966. But due to heavy rush for delay in coming th
 - "In hurry mood of payment, it is possible that I forgot to enter the amount of payment on the bonus card form XI of Sibu Bid."
- 3. Shri D. R. Mody (M.W. 2), another Welfare Officer, held the departmental enquiry into the chargesheet on 15th September. 1966 jointly against Shri S. M. Mishra and Tripura Banerjee. He recorded the statement of Sibu Bid. general Mazdoor, and R. K. Verma, Welfare Officer (Exts. M9 and M10). Shri S. M. Mishra cross-examined both witnesses. Both Shri Mody and Shri Mishra signed the record of evidence. Shri Mishra also made a statement (Ext. M11). Thereafter, on 19th September, 1966, Sri Mody drew up a report (Ext. M12). At the time of his deposition before the Tribunal, Shri Mody produced an application (Ext. M13) of Sibu Bid and Bonus Card (Ext. M14) as well as the sick allowance register (Ext. M15) as having been produced before him by Shri R. K. Verna. He has been asked only one question in cross-examination and he has admitted that the register (Ext. M15) does not bear the signature of Shri S. M. Mishra.
- 4. By the letter of dismissal (Ext. M2) dated the 5th December, 1966, Sri S. M. Mishra was dismissed from service with effect from 10th December, 1966.
- 5. Before proceeding any further, I may shortly state what the parties have stated in their written statements. In their written statement dated 21st/29th March, 1963, the employers have said that the Colliery Mazdoor Sangh, which has sponsored the dispute of the concerned workman, is the recognised union in the colliery but the employers were not aware of any union activity of Shri S. M. Mishra. They have further given the story as I have summarised it above. They have also said that full chance and opportunity were given to Shri S. M. Mishra in course of the departmental enquiry to cross-examine the witnesses for the management and to defend himself, that the misconduct of Shri S. M. Mishra was satisfactorily established in the departmental enquiry and that Shri Mishra was accordingly dismissed with effect from 10th December, 1966 by a letter dated 5th December, 1966.

- 6. In their written statement dated the 22nd March, 1968, the Colliery Mazdoor Sangh has stated that Shri S. M. Mishra was frequently called upon to make payment of wages, sick allowance etc., which he gladly did, that he was asked on the 13th August, 1966 to make payment of sick wages along with other bills for the week ending the 6th August, 1966 and he duly made payments which were checked and witnessed by another clerk named Sri Tripura Banerjee, that Sri Sibu Bid applied on 22nd August, 1966 to the Manager for payment of the sick allowance which, according to him, had not been paid to him, that, on making enquiries the management found that the sick allowance payable to Sibu Bid for the period from the 15th to the 19th July, 1966 was billed for in the week ending the 6th August, 1966 and had been actually paid to him on 13th August 1966, that a chargesheet was issued to Shri S. M. Mishra, that he said in his reply that the complaint of Shri Sibu Bid was not correct though he admitted that he might have over-looked to note the payment on the bonus card due to heavy rush of work and that though there was no evidence at the enquiry against Shri Mishra excepting the complaint of Shri Bibu Bid, the management held him to be guilty and dismissed him with effect from the 10th December. The Sangh has further stated that Shri S. M. Mishra has been a member of the Executive Committee of the Local Branch of the Sangh and that the charge against him was not only unjustified and malafide but was in contravention of provisions of the standing orders and in flagrant viclation of principles of natural justice which amounted to victimisation and unfair labour practice.
- 7. In their rejoinder dated 19th April, 1968, the employers have stated that they deny having found while making enquiries, that Sibu Bid had been paid his sick allowance by Shri S. M. Mishra, that full chance and opportunity for cross-examination and defence were given to Shri S. M. Mishra during the enquiry, that the employers did not try to favour Tripura Banerjee which is evident from the fact that a chargesheet was issued to Shri Tripura Banerjee also, that an enquiry was held against S/Shri S. M. Mishra and Tripura Banerjee and that the evidence of witnesses was recorded in the presence of both, who had full chance for cross-examination. It has also been stated by the employers that they learnt that Shri Mishra was elected a member out of 42 members of the Executive Committee of Jamadoba Branch at the election held on the 9th March, 1965 but they were not informed whether Shri Mishra was re-elected in 1966. The management has never shown a dislike for Shri S. M. Mishra as alleged by the Sangh and that the dismissal was bonafide.
- 8. So far as the allegations of the parties at the earlier stages were concerned, there was a straight dispute as to whether Shri S. M. Mishra had paid the sick allowance to Shri Sibu Bid or had not paid it. Sibu Bid alleged that the amount was not paid to him and Shri S. M. Mishra alleged that he had made the payment. Before D. R. Mody, the enquiring officer, Sibu Bid stated emphatically that he had not been paid his sick allowance. In support of this allegation, he showed his bonus card (Ext. M14) in which no entry had been made relating to the payment. Shri S. M. Mishra also made his statement before Shri Mody. Shri Mishra then stated that there was a very big rush at the counter when he made payments and, further, the lights were not burning properly. He also added that it was quite possible that he made payment to a wrong person. By this statement, he almost admitted that the charge framed against him was correct. The only point which remained to be proved was whether this wrong payment was made knowingly.
- 9. In his report, Shri D. R. Mody, said that Shri Mishra said at first that he saw Sibu Bid in front of him outside the counter, and then changed his statement by saying that he only saw Sibu Bid's card lying on the payment counter. Shri Mody has further observed that, when asked how it was possible for him to make payment to Sibu Bid without filling the bonus card form XI. Shri S. M. Mishra said that Sibu Bid took away the card before he could make entries. He thus kept making new and different statements. On the basis of these facts, Shri Mody came to the conclusion that the charge had been satisfactorily established against Shri S. M. Mishra. Shri Tribura Banerjee's stand from the beginning was that he did not at all see Sibu Bid. He never asserted that payment was actually made on the 13th August, 1966 to Shri Sibu Bid. Hence the enquiring officer said that the case against him should be filed.
- 10. While the reference has been pending before this Tribunal, the thumb impression of Sibu Bid taken by Shri R. K. Verma and also his alleged thumb impression in the sick register were sent for comparison to the Finger Print Bureau. The report which has come from the Director, Finger Print Bureau,

- 11. I may also state that there is no reason why I should not accept the enquiring officer's conclusion. It has not been shown that there has been any infringement of natural justice or any illegality or irregularity in the conduct of the enquiry.
- 12. Shri Mishra has been examined before me as W.W. 1. He has said that he was a member of the Executive Committee of the Local Branch of the Sangh, that he used to look after the work of the union at the time of his dismissal, that he used to talk about the grievances of the workmen with the Welfare Officer, that the Welfare Officer and other Officers used to ask him why he interfered when there were officials of the union like the Secretary available for the purpose and that they also used to threaten him that the union would not be able to save him if the company wished to take action against him. On being cross-examined, he has said that the Colliery Mazdoor Sangh is the recognised union of the Tata company, that meetings of officials of the management and the union were often held but he never attended any such meeting, that he never filed a written application on behalf of any worker when complaining to officers relating to the workmen's grievances and that he had spoken about the threats held out to him by the company's officers but he had never complained of those threats to the union officials in writing. In these circumstances, it seems to me that the threats spoken of by him are his inventions. I do not think that the employers have either victimised him or have used unfair labour practice against him.
- 13. Shri Narsingh has argued that the charge issued against Shri S. M. Mishra is only for knowingly making payment to a wrong person and not for theft. On this basis, he has contended that Shri S. M. Mishra should not have been dismissed. I am unable to agree. The dismissal letter (Ext. M2) shows only that Shri S. M. Mishra was found guilty of dishonesty in the company's business by intentionally making payment to a wrong person. No one saw and no one has said that Shri Mishra appropriated the money himself. In view of the fact, however, that it was established to the satisfaction of the enquiring officer that payment was not made to Sibu Bid and that no entry was made on his bonus card, there was no escape from the conclusion at least that payment was dishonestly made by Shri S. M. Mishra to a wrong person. Shri S. M. Mishra does not say that he did not know Sibu Bid or that he committed a mistake of identity in making payment to a person other than Sibu Bid. The conclusion, therefore, follows that it was an intentional and knowing act on his part. Since he intended to cause wrongful loss to the company, his act was a dishonest act in law.
- 14. After taking all the facts and circumstances of the case into consideration. I hold that the act of the management in dismissing Shri S. M. Mishra was not an act of victimisation and, indeed, it was fully justified. The workmen concerned is not entitled to any relief,
- 15. This is my award. Let a copy be submitted to the Central Government under section 15 of the Act.

(Sd.) KAMLA SAHAI,
Presiding Officer.
[No. 2/61/67-LRII.]

New Delhi, the 16th October 1969

S.O. 4279.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri K. Sharan, arbitrator in the industrial dispute between the employers in relation to the management of Kumardihi Colliery of Messrs Kumardihi Coal Company, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 7th October, 1969.

BEFORE SHRI K. SHARAN. REGIONAL LABOUR COMMISSIONER(C), ASANSOL

And ARBITRATOR

PRESENT:

Shri K. Sharan, Regional Labour Commissioner (Central), Asansol.

PARTIES:

Employer in relation to Kumardihi Colliery of M/s, Kumardihi Coal Company, P.O. Ukhra, District Burdwan.

V_{s} .

Shrl Damodar Roy Chowdhury, Ex-Fan Khalasi of Kumardini Colliery, Village: Kumardini, Distrite, Burdwan.

APPEARANCES:

For Employer: -Shri J. N. Gupta, Manager, Kumardihi Colliery.

For Workmen:—(1) Shri Damodar Roy Chodhury, (2) Shri Sunil Sen, Organising Secretary, Colliery Mazdoor Sabha, G.T. Road, Asansol and Authorised representative of Shri Damodar Roy Choudhury.

INDUSTRY: Coal Mine.

STATE: West Benggal

No. E.1/1(3)/69

Asansol, the 30th September, 1969

AWARD

The Central Government, having received on the 23rd June, 1969 the arbitration agreement dated 3rd June, 1969 between the management of Kumardihi Colliery of M/s., Kumardihi Coal Company, P.O. Kumardihi, Dlst: Burdwan (hereinafter referred to as the management) and Shri Damodar Roy Choudhury the workman concerned in the dispute in pursuance of sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947) referring the industrial dispute between them, the specific matters in dispute being as detailed below, to my arbitration and the Central Government being of the opinion that the industrial dispute referred to above existed between the management and Shri Damoder Roy Choudhury, ordered publication of the said arbitration agreement in the Gazette of India, Part-II, Section 3, sub-section (ii) under its order No. ?/38/69-LRII dated 11th July, 1969:

Specific Matters in Dispute

"Whether the management of Kumardihi Colliery of M/s., Kumardihi Coal Company, P.O. Ukhra, Dist: Durdwan justifiably stopped Shri Damodar Roy Choudhury, Fan Khalasi from 14th June, 1968? If so, what relief he is entitled?".

2. Shri Damodar Roy Choudhury was requested under this office letter No. B-1/405(8)/69 dated 21st June, 1969 to submit written statement endorsing its copy to the opposite party and simultaneously the Manager, Kumardini Colliery was requested to submit his rejoinder on the written statement, if any, received from Shri Damoder Roy Choudhury. The latter submitted his written statement on 21st July, 1969 which was received by me on 22nd July, 1969. A copy of the written statement of Shri Damodar Roy Choudhury was forwarded to the management under my letter No. E.1/1(3)/69 dated 4th July, 1969 with the request to submit its rejoinder on the written statement of Shri Damodar Roy Choudhury. The management submitted its written statement on 31st July. 1969 endorsing a copy thereof to Shri Damodar Roy Choudhury which was received

by me on 4th August, 1969. After several adjournments the matter came up for hearing on 15th September, 1969 when Shri J. N. Gupta, Manager, Kumardihi Colliery was present on behalf of the management and Shri Damodar Roy Choudhury and his authorised representative Shri Sunil Sen, Organising Secretary, Colliery Mazdoor Sabha (AITUC), Asansol were also present. On 15th September, 1969 the management produced certain documents which with the consent of the workman and his authorised representative were marked M.1 to M.2. On behalf of Shri Damodar Roy Choudhury one document was produced which with the consent of the representative of the management was marked £xt.W.1. The management produced one witness namely Shri J. N. Gupta, Manager (W.1) and he was examined and cross-examined. During the course of hearing a petition was filed on behalf of Shri Damoder Roy Choudhury praying for production of certain documents. As the documents in question were not readily available with the management, the hearing was adjourned to be held in this office on 18th September, 1969. However, on 18th September, 1969 a petition was filed on behalf of the management praying therein to fix the hearing for some other date as the Manager of the colliery was suffering from kidney trouble, with the consent of Shri Damodar Roy Choudhury and his authorised representative the hearing was finally fixed on 24th September, 1969. On 24th September, 1969 the management produced certain documents which with the consent of Shri Damodar Roy Choudhury and his authorised representative were marked Ext. M. 3, Ext. M. 3A, Ext. M. 4 and Ext. M. 5. The management produced two more witnesses namely S/Shri Nirmalendu Ghose (MW. 2) and Lachman Pandey (MW. 3) and they were examined and cross-examined. In heard the arguments of both the parties. In the meantime, however, both the management and the workman had entered into an agreement on 26th August, 1969 to the effect that I could give my arbitration award in the instant industrial dispute by 30th September, 19

- 3. The case of the workman in brief as made out in his written statement is that he was working as Cap Lamp Issue Clerk at Kumardhi Colliery for the last three years; that although he was performing the duties of Cap Lamp Issue Clerk he was designated as Fan Khalasi and was being paid wages of latter category; that on several occasions he protested against it to the manager of the Colliery as a result of which he was threatened and intimidated; that all of a sudden he was not allowed to resume his duties on and from 14th June, 1969, without any notice or reason; that whenever he met the Manager of the colliery he told him that "your services is no longer required"; that he made several representation but without any result; that even the management did not care to reply to his two letters dated 29th June, 1968 and 28th July, 1968; that subsequently he referred the matter to the Assistant Labour Commissioner (C), Raniganj; that the action of the management in stopping him from work from 14th June, 1968 was not justified, on the contrary it was filegal, malafde and against the principles of natural justice and therefore, he be allowed to resume his duties and given proper designation and full wages for the period of his idleness.
- 4. The case of the management as made out in its written statement is that the instant dispute was not an industrial dispute; that Shri Damodar Roy Choudhury worked as Chairman from 23rd June. 1966 to 13th November, 1967; that he remained absent from 14th November, 1967 to 14th December, 1967 and subsequently he was re-appointed as Fan Khalasi on 14th December, 1967 and since then he had been working on that post; that he worked at the colliery as Fan Khalasi till 14th June, 1968 and never turned upon duty from 15th June, 1968; that he raised an industrial dispute before the Assistant Labour Commissioner (C), Raniganj on 7th April, 1969 i.e., after lapse of about ten months; that the post could not be kept vacant for such a long period and hence another person had been appointed in his place who had been working since then; that he never worked as Cap Lamp Issue Clerk, that he was neither threatened for intimidated as alleged; that no representation stated to have been made by Shri Choudhury was received by the management; that in accordance with the order No. 18 of the certified standing orders he ought to have made complaint regarding his alleged refusal of employment to the Manager within 7 days from the date on which the cause of such complaint had arisen but no such complaint was ever made: that as he left the job without intimation to the management on and from 15th June. 1968 for reasons best known to him and was not unjustifiably stopped from 14th June. 1968 as alleged he was not entitled to any relief what so ever

- 5. Although the preliminary objections regarding my jurisdiction to arbitrate in the matter under reference on the ground that the instant dispute was not an "industrial dispute was not pressed at the time of hearing, I considered very relevant to examine the matter. Under Section 2A of the Industrial Disputes Act, 1947 an individual workman who has either been discharged or dismissed or retrenched or whose services have been otherwise terminated by the employer, has been authorised to raise an industrial dispute regarding any dispute or difference between him or his employer connected with, or arising out of such discharge, dismissal, retrenchment or termination. In the instant case the specific matter in dispute is as to "whether the management of Kumardini Colliery of M/s. Kumardini Coal Company justifiably stopped Shri Damodar Roy Choudhury from 14th June, 1968". The term of reference is very unhappily worded. However, on the basis of the written statements submitted by the parties and the pleadings made by them before me it is clear that the same relates to alleged stoppage of Shri Choudhury from work. The dispute is not in respect of alleged stoppage from worked for only one day namely 14th June, 1968 or for any specified number of days. It is in respect of continued alleged stoppage from work on and from 14th June, 1968. In a case of any stoppage from work of an individual workman only for one day or for any specified number of days there would be no question of any severance of master-servant relationship and hence any difference or dispute over such stoppage from work will not attract the provision of Section 2A of the I. D. Act, but the case here is otherwise. Continued stoppage from work of a workman amounts to throwing him out of employment which in other words means termination of his services. Thus, although not in form but in substance the instant dispute between Shri Damodar Roy Choudhury and his employer is over justification or otherwise of termination of his services on and from 14th June, 19
- 6. Now the most important point for consideration is as to whether the management stopped Shri Damodar Roy Choudhury from work on and from 14th June, 1968 and if so whether the action of the management was justified:
- 7. The case of the management is that Shri Damodar Roy Choudhury worked at the colliery upto 14th June, 1968 and of his own accord left the job on and from 15th June, 1968. In support of its case the management has produced three witnesses namely S/Shri J. N. Gupta, Manager of the Colliery (MW. 1), Nirmalendu Ghose, and Lachman Pandcy, Attendance Clerks (MW. 2 and MW. 3) respectively. The M.W. 1 has stated on oath that Shri Damodar Roy Choudhury had worked as Chairman upto 23rd June, 1966 to 13th November, 1967, and after his absence from 14th November 1967 to 13th December, 1967, he was re-appointed as Fan Khalast and he worked as such from .14th December, 1967, and after his absence from 15th June, 1968 he remained absent all along. He has categorically stated that he was never stopped from work on and from 14th June, 1968 and from 15th June, 1968 in the left his job with effect from 15th June, 1968 of his own accord for reasons best known to him. He has also stated that he never submitted any representation in this regard to the management. MW. 2 has stated that Shri Damodar Roy Choudhury did not report for duty on 15th June, 1968, 16th June, 1968 and 17th June, 1968 but he has admitted that Shri Choudhury reported for duty after the management had engaged another man in his place. He has clarified further that he reported for duties after two weeks and that when he had reported for duties to him the witness had informed him that the management had already engaged another man in his place and hence he should meet the Manager of the colliery. MW. 3 has stated that he did not remember as to whether Shri Damodar Roy Choudhury reported for work during the week ending 24th June, 1968 but he difinitely remember that for about two weeks he had not reported for duties. During the period of his absence the work was managed by other workmen who were called upon to perform extra hours of work and thereafter Shri Banshidhar Tafadar was appointed in his cross-examination that Shri Banshidhar Tafadar was appointed in plac

attendance register in form "E" for the week ending 17th June, 1968 shows that Shri Damodar Roy Choudhury worked upto 14th June, 1968 but on 15th June, 1968, 16th June, 1968 and 17th June, 1968 he was absent. Ext.M.4 which is the pay sheets in respect of the weekly paid employees of the colliery from week ending 17th July, 1967 to week ending 24th June, 1968 also shows that Shri Choudhury had worked only upto 14th June, 1968. The left thumb impression of Shri Choudhury on the relevant pay sheet for the week ending 17th June, 1968 which was admitted by him to be his left thumb impression when confronted with the same shows that he had received wages for week ending 17th June, 1968 only for 3 days namely the 12th, 13th and 14th June, 1968. Ext.M.4 also indicates that 11th June, 1968 was Rest day and he had not worked on the 15th, 16th, and 17th June, 1968.

8. On behalf of the workman no witness other than the workman himself was produced. He has stated that he had been working at the colliery for about two produced. He has stated that he had been working at the colliery for about two and half years to three years. He also stated that he was working as Chairman and for some time he was stopped from work and thereafter he worked as Fan Khalasi. While working as Fan Khalasi he also used to issue cap lamps but was paid wages of Fan Khalasis. He had requested the Manager of the Colliery to re-designate him as Cap Lamp Issue Clerk and to pay him wages accordingly. Thereafter the Manager stopped him from work with effect from the third shift of 14th June, 1968. When he met the Manager, the latter asked to come after 15th days and after 15th days he again reported to the Manager when he asked him to contact the Labour Welfare Officer. When he met the Labour Welfare Officer he was asked again to see after a month and to the Manager whon he asked him to contact the Labour Welfare Omcer. when he met the Labour Welfare Officer he was asked again to see after a month and after a month when he met him again he asked him to see the Agent, when he met the Agent he told him that another person had already been appointed in his place and as such I should meet the Manager of the colliery. Then he again went to the Manager who told him that he would provide him work after a few days. He again went to saw him after 2 to 3 days and then the Manager told him that he would try to provide alternative job in his place in order to accommodate him. He made written representation in Bengali to the Manager but he did not get any reply from him and thereafter the Manager did not provide any did not get any reply from him and thereafter the Manager did not provide any work to him thereafter. He waited for some time and when no work was provided he approached the Assistant Labour Commissioner (C), Raniganj. There is no other witness to corroborate his statement. In his cross-examination he said that it was Shri Lachman Pandey (MW. 3) who had refused work to him in the third shift of 14th June 1988. When he was refused work nobody else was present. Even when he talked to the Manager nobody was present. In his written statement he had submitted that he had been working as Cap Lamp Issue Clerk for the last three years whereas he admitted before me that he worked as Chainman for about two years and worked as Fan Khalasi for 7 months and that after working as Fan Khalasi for 2 to 3 months he was called upon to perform additional duties of Cap Lamp Issue Clerk. He also admitted that he could write his name in Bengali as well as in English but he could not write the names of other persons in English. If he could not write even the names of other persons in English how he can be expected to perform the clerical duties of Cap Lamp Issue Clerk. In his written statement he has stated that after his alleged refusal of work from 14th June, 1968 when he met the Manager he was told that "your services are no longer required" but in his deposition before me he has stated altogether a different story. In his deposition before me he has not stated that at any stage the Manager told him that his services were no longer required. In his written statement he has stated that he had written two letters to the management, one dated 29th June, 1968 and the other 28th July, 1968 but in his deposition before me he has admitted that he had written only one letter and that too in Bengali whereas Ext. W. 1 filed by the workman is the letter which is purported to have been written by him to the Manager in English and not in Bengali. Ext.W.1 shows that when he met the Manager on 14th June, 1968 he had asked him to see him after a month and on 17th July, 1968 when he met him again he was advised to meet the Labour Welfare Officer. As against this. he has deposed before me that he met the Manager on 15th June, 1968 and the Manager had asked him to see him after 15 days. Thus, it is evident that the evidence of Shri Damoder Roy Choudhury is contradictory and cannot be relied upon faithfully and correctly, which would be evident from the contradiction detailed above.

^{9.} During the course of hearing Shrl Sunil Sen, Organising Secretary of the Colliery Mazdoor Sabha who happened to be authorised representative of Shri Damoder Roy Choudhury had argued that MW.3 was not a reliable witness and no credence should be placed on his statement. I have carefully examined his deposition and I am of the opinion that this witness has not faithfully deposed before

me. He is tutored witness. He has stated that he did not remember as to whether Shri Damodar Roy Choudhury reported for work during the week ending 24th June, 1963 but in the same breath he has stated that but this much I remember that for about two weeks he had not reported for duty. Whereas he remembered the name of the workers who worked overtime in place of Shri Damoder Roy Choudhury during his absence for 15 days, he fumbled to answer the most pertinent and relevant question put to him regarding himself during the cross examination. Thus, however, does not demolish the case of the management who has produced sufficient evidence to substantiate that Shri Damodar Roy Choudhury did work on 14th June, 1968 and absented himself from work thereafter i.e., on and from 15th June, 1968. M.W.2 has stated that Shri Choudhury came to him after another man was appointed in his place, but Shri Choudhury himself has not stated that he ever reported to him for work. On the contrary, Shri Choudhury has stated that after his alleged stoppage from work in the 3rd shift on 14th June, 1968 he only contacted the Manager, Labour Welfare Officer and the Agent of the colliery from time to time after intervals. In view of the same the statement of M.2 does not in any way substantiate the case of the workman.

10. The onous to prove that he reported for duties on and after 14th June, 1968 and he was stopped from work by the management lies on the workman concerned but he has miserably failed to substantiate his caso as made cut in his written statement. The most important thing to note is that he did not complain to any officer of the Central Industrial Relations Machinery regarding his alleged stoppage from work from 14th June, 1968 and raised the dispute before the Assistant Labour Commissioner(C), Raniganj on 7th April, 1969 i.e., after a lapse of about 10 months. There is absolutely no justification in this abnormal delay in agitating over the matter and raising an industrial dispute over the same so late and that too without any reason.

11. In the circumstances, I hold that Shri Damoder Roy Choudhury, Fan Khalasi was not stopped from work by the management of Kumardihi Colliery of M/s. Kumardihi Coal Company, P.O. Ukhra, Dist: Burdwan on and from 14th June, 1968 and as such the question of granting any relief to him does not arise. The arbitration award is made accordingly and submitted to the Certral Government under Section 10A(4) of the I.D. Act, 1947.

(Sd.) K. SHARAN,

Regional Labour Commissioner (C), Asansol. [No. 6/38/69-LR.H.]

S.O. 4280.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Newton Chickli Colliery, Post Office Parasia, District Chindwara (Madhya Pradesh) and their workmen, which was received by the Central Government on the 7th October, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR

Dated, 29th September, 1969

PRESENT:

Shri G. C. Agarwala, Presiding Officer-

CASE REF. No. CGIT/LC(R) (54)/1968

PARTIES:

Employers in relation to the Newton Chickli Colliery, Post Office, Parasia.

District Chhindwara (Madhya Pradesh).

And

Its workmen represented through the President, Young India Khadan Mazdoor Trade Union, P.O. Newton Chickly Colliery, Disti-Chlindwara (M.P.).

APPEARANCES:

For employers.—S/Sri D. B. Dabral, Chief Personnel Officer and B. C. Sanghi, Personnel Officer.

For workmen.—Sri A. R. Rarooqui, President Young India Khadan Mazdoor Trade Union, P.O. Newton Chickly Colliery, Distt. Chlindwara (M.P.). INDUSTRY: Coal Mine.

DISTRICT: Chhindwara (M.F.)

AWARD

By Notification No. 5/40/68-LRII, dated 1st November, 1968, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference, to this Tribunal for adjudication:—

Matter of Dispute

"Whether the action of the management of Newton Chickli Collicry, Post Office, Parasia, District Chhindwara (Madhya Pradesh) in dismissing Shri Chhote Khan, Cut Machine Helper, vide their letter No. 684/128, dated the 23rd February, 1968, with effect from the 23rd February, 1968, was justified? If not, to what relief is the workman entitled?"

- 2. The short facts are that Sri Chhote Khan was Trammer in Pit Nos. 8 and 9 for a number of years. For deepening the Pits, the same had to be closed. The management gave a notice under Section 9A I.D. Act on 26th June, 1967 to Sri Chhote Khan and a number of other Trammers including Tantoo (E.W. 6). These Trammers were transferred to Pits No. 10 and 11 and were placed on alternative job on Coal Cutting Machine Hallow. transferred to Pits No. 10 and 11 and were placed on alternative job as Coal Cutting Machine Helper. Sri Chhote Khan appears to have been working mostly as Cut Machine Helper from August, 1967 though rarely he was also employed as Fitter Mazdoor in the beginning. His designation, however, continued as Coal Cutting Machine Helper as would appear from extracts of Wages and Attendance registers (Ex. E/18 and E/19). He seems to have continued to do this work, half heartedly though, till charge-sheeted on 18th December, 1967 for incident dated 28th Neurophys. 1967, and over subscential the discussion of the company of for incident dated 28th November, 1967 and even subsequently till dismissed by an order dated 23rd February, 1968 (Ex. E/12). The case of the management was that Sri Chhote Khan was a grudging worker and did not like to work as a Coal Cutting Machine Helper. Consequently, he was habitually negligent. He was Cutting Machine Helper. Consequently, he was habitually negligent. He was tried with different drivers but every one complained of his working. The complement on a coal cutting machine is one driver and two helpers. According to Sri Raghunath Mukund Moghe, Additional Manager (E.W. 3) also called in comman parlance as Pit Manager, Sri Chhote Khan was first placed to work under Sri Sant Ram, Head Overman, in cross district No. 3. Sri Sant Ram reported verbally to Sri Moghe that Shri Chhote Khan was not able to do the job of a helper and was neglecting his duty. He, therefore, transferred him to 48 Level Development Section under Sri Kamia Prasad Ral, Head Overman. Sri Rai also reported that Sri Chhote Khan was not taking interest in his work by reason of which the production work was suffering. Sri Moghe asked Sri K. P. Rai to change his shift so as put him under another driver. According to Sri K. P. Rai change his shift so as put him under another driver. According to Sri K. P. Rai (E.W. 8) he tried Sri Chhote Khan with different drivers. He was first allotted to work with Sri Bhure Khan, Driver, who reported that the work of Sri Chhote Khan was not satisfactory. He warned Sri Chhote Khan once or twice and informed the Manager. The Manager asked him to try him with other drivers. He tried Sri Chhote Khan with three drivers one after the other. The last driver with whom he was allotted to work as Sri Mahgoo (E.W. 5). Sri Mahgoo had two helpers S/Sri Chhote Khan and Tantoo. On 28th November, 1967, according to management, Mahgoo Driver asked Sri Chhote Khan to set up anchor prop before starting the machine. Sri Tantoo, the other helper was holding the rope of the pulley. When the driver started the machine and before the rope was in the property of the pulley. of the pulley. When the driver started the machine and before the rope was in tension, Sri Chhote Khan left the prop with the result that it fell down and a coal splinter from the roof hit an eye of Tantoo. This injury though minor resulted in the stoppage of work that day. After the incident, the Head Overman. Sri K. P. Rai (F.W. 8) came to the place of occurrence as also the Assistant Manager, Sri Khandelwal, who is no more in the service of the management and has gone abroad. Sri Rai informed the Additional Manager, Sri Moghe, about the incident who called him to get a report written by Sri Mahgoo. Actually, the nas gone abroad. Sri kai informed the Additional Manager, Sri Mogne, about the incident who asked him to get a report written by Sri Mahgoo. Actually, the report was written by the Token Clerk and was not signed by the Driver. Sri Mahgoo, It is a brief report (Ex. E. 16) in which it is stated that because of defective working of Sri Chhote Khan Helper, two workers were injured and that he should be given another helper. On the basis of this report Sri Chhote Khan was about the charge short (Ex. E. (2) man an fallows: was charge-sheeted. The charge-sheet (Ex. E/3) runs as follows:-
 - "It has been brought to the notice of the undersigned that due to your carelessness two workers got injured on 28th November, 1967, in 2nd shift and company's work was suffered a lot. It shows that you are not interested in your work any longer.

You are thus guilty of violating paras 17(1)(i) and 17(1)(k) of the Standing Orders.

You are hereby required to show cause within 43 hours of the receipt of this as to why disciplinary action should not be taken against you for the aforesaid misconduct."

Sri Chhote Khan gave an explanation (Ex. E/4) stating that he was working honestly and there was no report against him, that it was wrongly stated that he was not able to work and that on one or two occasions, his attendance had been unjustifiably deducted. For the incident in question he contended that he could also have been injured as the weight had fallen near his feet. The Manager found the explanation unsatisfactory and by an order dated 30th December, 1967 (Ex. E/5) directed a domestic enquiry on 10th January, 1968. Sri B. C. Sanghi, Personnel Officer, who was formerly Labour Officer conducted the enquiry. Four witnesses were examined in the domestic enquiry and they were S/Sri K. P. Rai, Mehrban Head Fitter, Mahgoo Driver and Tantoo Helper. The management was represented by Sri K. P. Rai in the domestic enquiry. Sri Chhote Khan was not represented by anyone and did not cross-examine any witness except putting a question to Sri Tantoo. After examining these witnesses, the Enquiry Officer recorded the statement of Sri Chhote Khan and who was cross-examined by Sri K. P. Rai, Head Overman. In cross-examination, Sri Chhote Khan, stated that no driver wanted to keep him because he was not physically smart and agile. The Enquiry Officer of his own accord made a report to the Manager that Sri Chhote Khan should be referred to the Colliery Medical Officer for test about his physical fitness. The Manager, Sri Mehta, thereupon issued a notice on 16th February 1968, calling upon Sri Chhote Khan to appear before the Medical Officer. Dr. S. N. Mathur (E.W. 1) stated that he examined Sri Chhote Khan on 20th February 1968 and sent a report (Ex. E/1) that he had carefully examined Sri Chhote Khan and found him physically fit and that his age was about 40 years. On receipt of this report about his fitness, the Enquiry Officer recorded his finding whereupon the management terminated the services of Sri Chhote Khan by an order of the Manager, Sri K. C. Mehta, dated 23rd February, 1968 after obtaining approval of the Agent

- 3. The case of the Union was that the change of service condition from Trammer to Coal Cutting Machine Helper was wrong and the notice of change was illegal. It was alleged that as a matter of fact, Sri Chhote Khan even after expiry of notice period, continued to work as Fitter Helper. He was made to work as Coal Cutting Machine Helper subsequently, a job with which he was not conversant with the result that he himself was injured and remained under treatment for over a month. Sri Chhote Khan had been pressing the management for a change but he was compelled to work as C.C.M. Helper. It was not the fault of Sri Chhote Khan that the anchor prop fell down on the date and time in question. The domestic enquiry was assalled as a mere formality. It was denied that Sri Chhote Khan was at all medically examined by the colliery doctor. He was not allowed to give any defence by the Enquiry Officer who assured him that it was not necessary. He was dismissed because he was an active member of the Union and also with a motive of unfair labour practice so as to get rid of an old worker and have a contract labour in his place.
- 4. The management while refuting the allegation made by the Union raised a technical plea that the Union was not a representative union and Sri Chhote Khan was not its member. It was alleged that the dispute was not an industrial dispute. For change of duty, it was stated that the management was competent to do this and the change after notice under Section 9A I.D. Act was a valid and a legal one. For enquiry, it was alleged that it was a bonafide one and was properly held. There was no infraction of principles of natural justice. The management also alleged that Sri Chhote Khan was in fact guilty of misconduct for which he had been dismissed and the management gave necessary evidence before this Tribunal so as to justify dismissal. It was denied that there was any motive of victimisation or to indulge in any unfair labour practice. On the pleadings of the parties, the following additional issues were framed in the case:—

Addl. Issues

1. Whether the Union. Young India Khadan Mazdoor Trade Union was sufficiently representative to sponsor the dispute and is the dispute not an industrial dispute?

- 2. Whether the change of duties of Shri Chhote Khan from Trammer to Coal Cutting Machine Helper was unjustified and illegal?
- 3. Whether a bonafide and proper enquiry conforming to principles of natural justice had been held?
- 4. Was Shri Chotte Khan guilty of misconduct for which he had been dismissed?
- 5. Were the employers guilty of unfair labour practice and victimization?

Findings:

Issue No. 1.—The Union gave relevant evidence to show that Sri Chhote Khan was its member. The membership register was produced and of which a true extract (Ex. W/2) was filed. The counterfoil receipt book was also filed and Ex. W/1 would show that Sri Chhote Khan paid the annual subscription of Rs. 3/- for the year 1967. Sri Chhote Khan had stated that he had been a member of this Union from 1960 and was so at least in the year 1967. There is no reason to disbelleve his testimony supported as it is by the counterfoil receipt (Ex. W/1) and the entry in the membership register. There is nothing to indicate that the Union was not representative enough for sponsoring the dispute. The management did not raise any such objection in concillation and made no attempt before this Tribunal also to show that the Union was not representative of the workman so as to be competent to espouse the cause. It must, therefore, be held that the Union, Young India Khadan Mazdoor Trade Union, was competent to sponsor the dispute and the dispute is an industrial dispute.

There is yet another aspect of the matter. The workman concerned, Sri Chhote Khan, filed an application dated 22nd May, 1969 that he should be made a party under Sec. 2A I.D. Act. Under this newly added section, any dispute regarding dismissal of a workman shall be deemed to be an industrial dispute. Consequently, even though the Union may not have been competent to sponsor the dispute, when once the dispute has been referred for adjudication under Section 10(1)(d) I.D. Act there shall be a presumption under Section 2A I.D. Act, that the dispute is an industrial dispute. It would be immaterial that the dispute has been raised by the Union. It is not necessary that the workman concerned must be made a party specifically to the reference which is possible under Section 18(3) and not under Section 2A of the I.D. Act. From this aspect also, the dispute shall be deemed to be a valid dispute irrespective of the fact whether the Union was competent to sponsor the dispute or not by reason of presumption under Section 2A I.D. Act.

Issue No. 2.—The plea raised by the Union that the change of duty of Sri Chhote Khan from Trammer to C.C.M. Helper was unjustified and the notice of change under Section 9A I.D. Act was illegal, has no leg to stand. A change was brought about in accordance with the law after notice under Section 9A of the Act and for which the management had a right. The workman concerned, Sri Chhote Khan after notice Ex. E/15, raised no objection and submitted to it. There is no defect in the notice which was a valid and legal one. As stated by the Pits Manager, Sri R. M. Moghe, the change became necessary because Pits 8 and 9 had to be closed. Not only Sri Chhote Khan but a number of others were transferred. According to Sri Tantoo (P.W. 6) as many as 32 "Trammers including him and Sri Chhote Khan were so transferred. There was no discrimination made in the case of Sri Chhote Khan alone. The issue, therefore, is answered in negative.

Issue No. 3.—The domestic enquiry stands vitiated on grounds more than one, though not on such grounds as were taken up by the Union to assail the validity of the enquiry. The contention that Sri Chhote Khan was not at all medically examined by the doctor is belied by the statement of Dr. S. N. Mathur, who has specifically stated that he examined the workman. Sri Chhote Khan, as mentioned in his report (Ex. E/1) which states that he had carefully examined all the system of Sri Chhote Khan and found him physically fit. The suggestion that he was not allowed to cross-examine witnesses and that he was duped by the Enquiry Officer not to produce defence is also not borne out by the record of the domestic enquiry and is controverted by the Enquiry Officer, Sri B. C. Sanghi. At the same time, there are glaring infirmities in the enquiry which cannot be ignored even though not specifically pleaded. The law of pleadings cannot be strictly applied in industrial adjudication, the tribunals having to deal with union representatives who are generally not well versed in the land of pleadings and true concent of natural justice in its application to domestic enquiry.

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The first obvious error is the vagueness and inaccuracy of the charge-sheet In para 1, it is stated that on 28th November, 1967, in the second shift. two workers were got injured. Names of those were not disclosed but from the evidence of Sri K. P. Rai as stated before the Enquiry Officer, besides Sri Tantoo another person Sri Arjun Singh had also been mentioned. Sri Arjun Singh was newhere in the picture in the incident, dated 28th November, 1967, and it is difficult to comprehend how his name was mentioned both by S/Sri K. P. Rai and Mangoo in the domestic enquiry. They have not so stated in their evidence before this Tribunal. It is possible that Sri Arjun Singh may have been involved in some other anterior incident but not at least in the incident dated 28th November, 1967. The management wrongly introduced in the charge-sheet two workmen as having been injured instead of one. This was an obvious error and if the Enquiry Officer had been fair minded, he should have detected and pointed it out in his report. He seems to have mechanically accepted the management's evidence without applying his mind over the question. Next, the failure to mention the name of the persons who were injured and not to append a copy of the so-called report of the Driver Sri Mahgoo on the basis of which the charge-sheet was framed, are other material defects in the charge-sheet. Then it is mentioned in the charge-sheet that over and above his carelessness which resulted in injury to two persons, company's work suffered a lot and the inference therefrom was stated to be that he was to work in progress or to property of the employer". Except for carelessness, there is no allegation, much less proof, of wilful conduct so as to cause damage to work in progress, nor was there any question of damage to property of the employers. Paragraph 17(1)(k) states "malingering or slowing of the employers. Paragraph 17(1)(k) states "malingering or slowing property of the employers. Paragraph 17(1)(k) states "malingering or slowing down work" as a misconduct. The incident dated 28th November, 1967, did not amount to malingering nor was there any question of slowing down work. Actually speaking, it was Clause (f) of Section 17(1) of the Standing Orders which was applicable, namely, habitual neglect of work. It is manifest that the charge-sheet was carelessly drafted without true regard to the facts of the case and the appropriate clause under which the misconduct would be covered by the Standing Orders.

The second glaring defect in the enquiry was that the Enquiry Officer allowed management's reresentative, Sri K. P. Rai, to cross-examine Sri Chhote Khan. It was open to the Enquiry Officer to put questions if necessary for clarification of any point but certainly he could not permit management's representative to cross-examine the delinquent. When Sri Chhote Khan in answer to questions in cross-examination stated that he was not smart and agile to render the duty of C.C.M. Helper, the Enquiry Officer adopted a novel procedure so as to condemn and falsify the version of the delinquent. He suggested to the Manager that before inflicting punishment, he should be medically examined by the Colliery Doctor. The Manager readily agreed with the suggestion and ordered Sri Chhote Khan to appear before the Colliery Doctor for medical examination. He was not asked whether he was willing to undergo such medical examination. On the top of it. after the report of the Medical Officer was received, no opportunity was given to Sri Chhote Khan to show what he had to say against the report of the Medical Officer. This report of the Medical Officer was automatically accepted so as to condemn Sri Chhote Khan. All this shows that the action of the Enquiry Officer was not bonafide and the enquiry was not conducted in a fair manner. As pointed out in Associated Cement Ltd. Vs. their workmen and another (1963-II-LLJ, p. 396) an enquiry should not be a mere formality but must be conducted in a bonafide and a fair manner. The report of the Enquiry Officer, as observed already, suffers from an obvious infirmity in as much as he accepted the charge that due to his carelessness, two persons were injured and that without applying his much he found him guilty of the clauses of the Standing Orders which were not applicable. The enquiry therefore stands vitiated.

Issue No. 4.—The next question is whether Sri Chhote Khan was really guilty of misconduct for which he had been charge-sheeted, namely, the incident of 28th November, 1967. It is a well settled law that if the domestic enquiry for any reason whatsoever is vitiated, the employers still have a right to justify the punishment by adducing necessary evidence before the Tribunal. This was specifically pointed out for reference cases by the Hon'ble Supreme Court in Phulbari Tea

Estate Vs. Its workmen reported in 1959 (ii) LLJ, p. 663. The relevant observation is as follows:-

"The defect in the conduct of the enquiry could have been cured if the company had produced the witness before the tribunal and given an opportunity to Das to cross-examine them there. In Sasa Musa Sugar Works (P) Ltd. Vs. Shobrati Khan and others (1959-II-LLJ, p. 388) we had occasion to point out that even where the employer did not hold an enquiry before applying under S. 33 of the Act for permission to dismiss an employee, he could make good the defect by producing all relevant evidence which would have been examined at the enquiry before the tribunal, in which case the tribunal would consider the evidence and decide whether permission should be granted or not-The same principle would apply in case of adjudication under S. 15 of th eAct, and if there was defect in the enquiry by the employer, he could make good that defect by producing necessary evidence before the tribunal.

This principle has been reiterated in a large number of subsequent cases, both reference and approval or permission cases under Section 33 I.D. Act. Ritz. Theatre (P) Ltd., Delhi Vs. Its workmen reported in 1962 (II) LLJ, p. 498, may also be cited as for example. It is, therefore, necessary to examine the evidence on the question.

That there was an incident on 28th November, 1967 when in the second shift after Sri Chhote Khan had set up anchor prop and Sri Tantoo was holding the pulley, the prop fell down as soon as the machine was started by Mahgoo, is not disputed. Sri Chhote Khan did not deny this fact in his evidence. His explanation was that the roof was soft and therefore anchor prop fell down. He admitted in cross-examination that he prepared notch in the roof before setting up the prop. It was his duty to have removed the soft material in the roof after preparing the notch. His statement that he had informed the driver that the roof was soft the notch. His statement that he had informed the driver that the roof was soft is evidently an afterthought. No such suggestion was made to the Driver, Sri Mahgoo, in cross-examination. Nor was such a plea taken in the domestic enquiry. The injury to Sri Tantoo also was not denied by Sri Chhote Khan. He admitted that after Sri Tantoo was injured the Head Overman, Sri K. P. Rai, came there. Thus with the evidence of S/Sri Mahgoo, Tantoo and K. P. Rai (E.Ws. 5, 6 & 7), it is established that the prop was not properly set by Sri Chhote Khan with the result that it fell down. He should have held it till the rope came in tension and his failurs to hold the prop resulted in its falling down caustage some injury to Sri Tantoo. It is the prop resulted in the property developed and the state of the property of ing some injury to Sri Tantoo. It is, therefore, established beyond any doubt that Sri Chhote Khan was negligent in this respect.

That he habitually neglected his work is also abundantly established by the evidence adduced from the side of the management. The Additional Manager also called Pit Manager, Sri R. M. Moghe (E.W. 3) specifically stated that he first tried Sri Chhote Khan in another district with Sri Santram, Head Overman, who re-Sri Chnote Khan in another district with Sri Santian, nead Overman, who reported in August or September that Sri Chhote Khan was not doing the job of a helper well and he was neglecting his duties. He, therefore, transferred him to 43 Level development Section with Sri K. P. Rai, Head Overman, He received report from Sri K. P. Rai that Sri Chhote Khan was not doing his work satisfactorily by reason of which production was suffering. He asked Sri K. P. Rai to change his shift and put him under another driver. He again got a complaint from Sri Raj that Sri Chhote Khan was not working properly and after the incident took place on 28th November, 1967 he attended Sri Tantoo on surface. The injury was minor and therefore no record was made. There could be no particular reason for Sri Moghe to be biased and no motive was suggested in cross-examination. This evidence is corroborated by the evidence of Sri K. P. Raj. Head Overman (E.W. 8) who stated that he first tried him with Sri Bhure Khan Driver and then placed him with another driver before changing him to Sri Mahgoo. All the three complained that Sri Chhote Khan was negligent. Head Fitter, Sri Mehrban (E.W. 4) stated that he has to look after the work of the C.C.M. Driver and Helpers. There were reports from practically every driver that Sri Chhote Khan was not working properly. Sri Mahgoo (E.W. 5) with whom he was attached in the last deposed that he verbally complained that Sri Chhote Khan was not doing the work of a Helper properly. Sri Chhote Khan had been with him for 10 or 12 days before the accident took place. According to Sri Mehrban, Head Fitter, a new man can pick up the work of a helper in about a fortnight's time. There is no reason why Sri Chhote Khan should not have picked up the work, had he really cared to do so. Evidently he was a grudging worker and wanted to be shifted to a lighter and ensier job. There was no physical disability with him as stated by the Colliery Doctor, Dr. S. N. Mathur. He was only 40 years of age as stated in the certificate (Ex. E/1). There was, therefore, not the least doubt that he was an unwilling worker. An attempt was made to show that he himself was injured, but there is no specific proof. It does appear that he was on leave for about a month as would appear from the extract of Wage and Attendance Registers (Ex. EE/18 & E/19). If the absence for such a long period had really been due to any injury, specific proof should have been produced. Witnesses of the management to whom suggestion was made denied the fact. It is, therefore abundantly established that Sri Chhote Khan was habitually negligent and was not devoting his best to pick up the job of a helper. This conduct of Sri Chhote Khan is covered by Clause 17(1) (f) of the Standing Orders which describes "habitual neglect of work" as a misconduct.

The next question which arises for consideration is whether the management was justified in inflicting the punishment. As observed in Doom Dooms Tea Co., Ltd. Vs. Assam Chah Karamenari Sangha and another reported in 1960—iI—LLJ p. 56 "normally the proper punishment for misconduct under the Standing Orders is the function of the management and unless there is valid justification the tribunal should be slow to interfere with the exercise of that function." The tribunal would interfere only if there is lack of bonafide or victimisation or unfair labour practice on the part of the management. It would be pertinent to reproduce the dictum laid down by the Honble Supreme Court in Handi Construction and Engineering Co. Ltd., Vs. Their workmen reported in 1965(i) LLJ p. 462 deduced after referring to earlier cases on the subject:—

'It is now settled law that the tribunal is not to examine the finding or the quantum of punishment because the whole of the dispute is not really open before the tribunal as it is ordinarily before a Court of appeal. The tribunal's powers have been stated by this Court in a large number of cases and it has been ruled that the tribunal can only interfere if the conduct of the employer shows lack of bonafides or victimisation of employee or employees or unfair labour practice. The tribunal may in a strong case interfere with a basic error on a point of fact or a perverse finding, but it cannot substitute its own appraisal of the evidence for that of the officer conducting the domestic enquiry though it may interfere where the principles of natural justice or fair play have not been followed or where the enquiry is so perverted in its procedure as to amount to no enquiry at all. In respect of punishment it has been ruled that the award of punishment for misconduct under the standing orders, if any, is a matter for the management to decide and if there is any justification for the punishment imposed, the tribunal should not interfere. The tribunal is not required to consider the propriety or adequacy of the punishment or whether it is excessive or too severe. But where the punishment is shockingly disproportionate, regard being had to the particular conduct and the past record or is such, as no reasonable employer would ever impose in like circumstances, the tribunal may treat the imposition of such punishment as itself showing victimization or unfair labour practice. These principles can be gathered from the following cases:

Bengal Bhatdee Coal Co., Ltd. V. Ram Prabesh Singh and others (1963—I—LLJ 291), Buckingham and Carnatic Company, Ltd., V. their workers (1951—II—LLJ 314); Titaghar Paper Mills Company Ltd., V. Ram Naresh Kumar (1961—I—LLJ 511); Doom Dooma Tea Company, Ltd. Vs. Assam Chah Karamchari Sangh (1960—II—LLJ p. 56); Punjab National Bank Ltd. V. their workmen (1959—II—LLJ 666); Chartered Bank, Bombay V. Chartered Bank Employees' Union (1960—II—LLJ 222)."

For the simple incident of 28th November 1967 because the prop had fallen down on account of negligence of Sri Chhote Khan the punishment of dismissal would undoubtedly had been a severe punishment and left to itself the management probably would not have imposed this extreme penalty. He had, however, been habitually negligent and wanted to force the hands of the management to change his duty. As such there is no justification to interfere with the punishment of dismissal imposed by the management.

an ordinary member of the Union and there could be no motive for the management to victimise him just because he happened to be a member of this Union.

As a matter of fact, the plea was not pressed. No suggestion was made to the Pits Manager, Sri R. M. Moghe, that any contract labour was employed in place of Sri Chhote Khan, nor was the Head Overman, Sri K. P. Rai or the Head Fitter, Sri Mehrban, asked about it. There was no motive of victimization or to include in unfair labour practice on the part of the Management.

The result therefore is that the management has succeeded in justifying the punishment of dismissal imposed on Sri Chhote Khan. The next question, however, is whether the dismissal should operate from the date on which the management terminated the services or from the date when the management justified the punishmnt before this tribunal. There is no direct case of the Hon' ble Supreme Court on the point. In Sasa Musa Sugar Works (P) Ltd. Vs. Shobrati Khan and others, reported in 1959 (II) LLJ p. 388, which was a case under Section 33 I.D. Act, the Hon'ble Supreme Court observed that "the management was bound to pay the wages of the workman till a case for dismissal was made out" and the case of Ranipur Colliery Vs. Bhuban Singh (1959—II—LLJ p. 231) was cited and relied upon. On the other hand in Kalyan Vs. Air France, reported in 1963 (I) LLJ p. 679 their Lordships held that the order of dismissal will be effective from the date of imposition of punishment by the management. The case of Sasa Musa Sugar Mill as also Ranipur Colliery (Supra) were noticed and distinguished. Both Sasa Musa Sugar Works and Kanyani Vs. Air France were cases under Section 33 I.D. Act. The distinction, however, was that Sasa Musa case related to permission while Kalyani's case was for approval. This is a significant distinction. In an approval case, it shall necessarily be relegated back to the date of punishment imposed by the management cannot impose the punishment without seeking permission case, the management cannot impose the punishment without seeking permission and the tribunal therefore is free to fix a date and award back wages upto the date when the punishment is justified or if an enquiry was held, it is found to be defective. Consequently, the principle of Sasa Musa Sugar Works case is mere opposite than Kalyani's case. That being so, when the domestic enquiry stands vitiated but the management has justified the punishment before this tribunal, the workman concerned, Sri Chbote Khan, is entitled to wages till justificatio

Decision.

The result is that dismissal of Sri Chhote Khan is held to have been justified, but it shall not be effective with effect from 23rd February, 1968. The dismissal shall be deemed to be effective from the date of this award. He would be entitled to his wages which would be computed on an average arrived at for the days he had actually worked as a C.C.M. Helper. The Union will be entitled to Rs. 100 as costs.

(Sd.) G. C. AGARWALA, Presiding Officer. 29.9.1969.

[No. 5/40/68-LR.II.]

New Delhi, the 17th October 1969

S.O. 4281.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Maihar Stone and Lime Company Limited, Maihar (Madhya Pradesh), and their workmen, which was received by the Central Government on the 7th October, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Dated September 22nd 1969

PRESENT:

Shri G. C. Agarwala—Presiding Officer.

CASE REF. No. GGIT/LC(R)(19) of 1968

PARTIES:

Employers in relation to the Management of Maihar Stone and Lime Company, Limited, Maihar (M.P.)

Versus

Their workmen.

Appearances:

For employers-Shri T. P. Singh, General Attorney.

For workmen—Shri R. D. NIGAM, General Secretary, Choona Mazdoor Sangh, Maihar.

INDUSTRY: Stone and Lime Co. DISTRICT: Satwa (M.P.)

AWARD

By Notification No. 36/43/67-LRI dated 29th February, 1969, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal for adjudication:—

Matter of Dispute

- (1) Whether the action of the management of Maihar Stone and Lime Company Limited, Maihar (Madhya Pradesh) in terminating the services of the following workmen with effect from the 15th October, 1967 on the ground of reaching the age of superannuation is justified:—
 - (i) Shri Damia Kol S/o Shrl Din Dayal.
 - (ii) Shri Mangi Kol S/o Shri Din Dayal.
- (iii) Shri Budhva S/o Shri Din Dayal.

If not, to what relief are the workmen entitled?

- (2) Whether the action of the management of Maihar Stone and Lime Company Limited, Maihar (Madhya Pradesh) in terminating the services of the following workmen with effect from the dates mentioned against each is justified:—
 - (1) Shri Mohan Kanchi S/o Baijnath with effect from 7th September, 1967.
 - (2) Shri Chunwada S/o Baljnath with effect from 7th September, 1967.
 - (3) Shri Sukh Ram S/o Mangi with effect from 15th October, 1967.
 - (4) Shri Pharat S/o Mangi with effect from 15th October, 1967.
 - (5) Shri Shiva Nath S/o Kalloo with effect from 15th October, 1967.
 - (6) Shri Vishwa Nath S/o Kaloo with effect from 15th October, 1967.
 - (7) Shrimati Ram Patia w/o Sukh Ram Kol with effect from 10th October, 1967.
 - (8) Shrimati Sirwatia w/o Chunwada Kol with effect from 15th October, 1967.
 - (9) Shrimati Nagmatia w/o Vishwa Nath Kol with effect from 15th October, 1967.
 - (10) Shrimati Munni Bai w/o Budhia Kol with effect from 15th October, 1967.
 - (11) Shrimati Ram Bai w/o Damia Kol with effect from 15th October, 1967.

If not to what relief are the workmen entitled?

2. After the reference was received dispute notices sent to parties under Rule 10B Industriat Disputes (Central) Rules no written statement of claim was filed by either party within the prescribed period. Written statement on behalf of the workmen was, however, received but no one appeared for either side on the date of hearing with the result that an award was recorded on 29th April, 1968. The employers filed a writ petition before the Hon'ble High Court, Jabalpur and the award which was published in the Gazette of India, Parl II Section 3(ii). dated 25th May, 1968, was quashed by the Hon'ble Court by its judgment dated 3rd April, 1969. After the case was remanded by the Hon'ble Court the employers took two further adjournments which were allowed subject to payment of costs. Their written statement-cum-rejoinder received subsequent to the award as prayed by them was later on accepted. The Union also filed a rejoinder. Before, however, the case could be taken up for hearing on merits, the parties compromised the dispute and intimated on the date of hearing that both the issues under reference have been amicably settled by means of a settlement dated 8th August, 1969 (Annexure A to the award). The representatives were directed to produce settlement dated 8th August, 1969 so as to enable this Tribunal to see

whether the terms of the settlement were just and reasonable so as to be capable of being accepted for an award. Parties produced the settlement on the next date (Annexure 'B' to the award). On perusal of this it appears that the terms were vague and terms had to be clarified further by endorsement of two notes recorded on the settlement itself. It appears that the dispute has been amicably settled by payment of compensation, bonus and other legal dues like leave wages etc. As a matter of fact, as stated by the Union Secretary payments have already been made. There is, therefore, no dispute left and the terms of settlement as incorporated in annexure B are accepted. An award is recorded accordingly.

(Sd.) G. C. AGARWALA,

Presiding Officer,

Industrial Tribunal Cum Labour, Court,

(Central) Jabalpur.

ANNEXURE 'A'

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, (CENTRAL) JABALPUR.

BETWEEN

General Secretary, Choona Mazdoor Sangh, Majhar-Applicant.

Versus

The employer of Messrs Maihar Stone and Lime Co. Ltd. Maihar.—Opp. Party.

CASE No. CGIT/LC(R)(19)/68

SUBJECT—Application for the withdrawal of the case.

May it please the Hon'ble Industrial Tribunal

That the applicant and non-applicant beg to state as under:-

1. That the above named parties (applicant and non-applicant) have come to an amicable settlement in respect of the above written case, out of this Hon'ble Industrial Tribunal vide settlement dated 8th day of August, 1969.

Prauer

Therefore, it is prayed that the Hon'ble Industrial Tribunal-cum-Labour Court may be pleased to dismiss the case.

Signatures of the applicant and non-applicant are as follows:—

 (Sd.) R. D. NIGAM. General Secy. 18-9-1969.

Choona Mazdoor Sangh, Maihar. 2. (Sd.) T. P. SINGH, (Attorney-General). 18-9-1969.

Dated 18-9-69.

ANNEXURE 'B' MEMORANDUM OF SETTLEMENT

FORM H (See Rule 58)

Names of the Parties

- 1. Employees Representatives:
 - 1. Shri R. D. Nigam, General Secy., Choona Mazdoor Sangh, Maihar, (M.P.)
 - 2. Shri Radhika Prasad Nigam, workman.

Employers Representatives:

- Shri T. P. Singh, General Attorney, Messrs Maihar Stone & Lime Co. Limited, Maihar, (M.P.).
- hri R. S. Chourasia, General Manager, Agent, For and on behalf of Messrs Maihar Stone & Lime Co., Ltd., Maihar (M.P.). 2. Shrl

Short Recital of the Case

In the matter of illegal termination and illegal retrenchment from the In the matter of illegal termination and illegal retrenchment from the services of Shri Damia Kol and two others and Mohan Kanchi and ten others (total 14 workers) employed in the Girgit Lime Stone Mines of Messrs Maihar Stone and Lime Company Ltd., Maihar, an Industrial dispute was referred by the Central Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) under clause (d) of Subsection (1) of the section 10 of the Industrial Disputes Act, 1947 (14 of 1947), through their Notification No. 36/43/67-LRI, to the Hon'ble Industrial Tribunal-cum-Labour Court (Central Government), at Jabalpur, for adjudication and that the said Industrial Dispute was registered by the Hon'ble Industrial Tribunal-cum-Labour Court (Central Government) Jabalpur as Case No. CGIT/LG(R) (19)/68. In this connection a meeting was held between the parties No. 1 LG(R) (19)/68. In this connection a meeting was held between the parties No. 1 the representative of the employees and (2) the representative of the employers on 8th day of August, 1969 at Maihar and during the meeting the following terms were decided by the parties.

Terms of Settlement

- 1. It is agreed by the parties that the retrenchment compensation Bonus, and other legal dues, etc., whatever, is due, shall be paid to all the workmen concerned with this case No. CGIT/LG(R) (19)/68 by the employer (Messrs Maihar Stone & Lime Company Ltd., Maihar) as permissible under law applicable in the Mines, within 15 days from the date of signing on the settlement.
 - 2. That the cost of the proceeding shall be borne by the parties. Dated the 8th day of August, 1969.

Signature of the employees representatives:

- 1. (Sd.) Shri R. D. NIGAM, General Secretary, Choona Mazdoor Sangh, Maihar,
- 2. (Sd.) Shri RADHIKA PRASAD NIGAM, workman.

Witnesses:

- 1. (Sd.) Illegible. 2. (Sd.) Illegible.
- 3. (Sd.) Illegible,

Signatures of the employers representatives:

1. Shri T. P. Singh, Attorney General, Messrs Maihar Stone & Lime Co. Ltd., Maihar, (M.P.).
2. Shri R. S. Chourasia, General Manager & Agent, for and on behalf of the Messrs Maihar Stone R. Lime Co. Ltd. Meihar (M.P.) & Lime Co. Ltd., Maihar (M.P.).

- Note—(1) With regard to three workmen covered by Issue No. 1, namely, Damia Kol, Mangi Kol and Budhva, the representatives of the parties have agreed to settle the dispute by paying them compensation on retrenchment basis and all other dues like Bonus and leave due. The claim for reinstatement was given up by the Union.
- 2. The representatives of the parties further stated that those workmen covered by Issue No. 1 as also 11 workmen covered by Issue No. 2, namely, (1) Mohan Kanchi (2) Chunwada (3) Sukh Ram (4) Bharat (5) Siva Nath (6) Vishwa Nath (7) Smt. Ram Patia, (8) Smt. Sirwatia (9) Smt. Nagmatia (10) Smt. Munni Bai and (11) Smt. Ram Bai, have been paid all legal dues and no outstanding dues are now due to any workman.

(Sd.) R. D. NIGAM,

(Sd.) T. P. SINGH,

General-Secretary,

General Attorney,

Choona Mazdoor Sangh,

Maihar Stone & Lime Co.,

Maihar, 19-9-1969.

Maihar, 19-9-1969.

Varified before me.

(Sd.) G. C. AGARWALA,

Presiding Officer,

Central Government Industrial Tribunal-cum-Labour Court, Jabalpur Camp at Allahabad. 19-9-1969.

[No. 36/43/67-LR.IV.]

S.O. 4282.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad in the industrial dispute between the employers in relation to the Bhaggatdih Rise Area Colliery of Messrs Bengal Nagpur Coal Company Limited of which Messrs B. P. Agarwala and Sons (Private) Limited, are the Managing Contractors, Post Office Jharia, District Dhanbad, and their workmen, which was received by the Central Government on the 8th October, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 3) AT DHANBAD

REFERENCE No. 22 of 1969.

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the Bhaggatdih Rise Area Colliery and their workmen.

Appearances:

For employers—Shri R. N. Gangu'y, Administrative Officer.

For workmen—Shri Raj Ballabh Prasad, Secretary, Khan Mazdoor Congress.

STATE: Bihar. INDUSTRY: Coal.

Dhanbad, dated the 30th of September, 1969

AWARD

1. The Central Government being of opinion that an industrial dispute exists between the employers in relation to the Bhaggatdih Risc Area Colliery of

M/s. Bengal Nagpur Coal Company Limited of which Messrs B. P. Agarwala and Sons (Private) Limited are the Managing Contractors, Post Office Jharia, District Dhanbad and their workmen, by its Order No. 2/257/68-LRII, dated the 15th of April, 1969 referred to this Tribunal under section 19(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matter specified in the Schedule annexed thereto. The Schedule is extracted below:—

· SCHEDULE

"Whther the action of the management of Bhaggatdih Rise Area Colliery of Messrs Bengal Nagpur Coal Company Limited of which Messrs B. P. Agarwala and Sons (Private) Limited are the managing contractors, Post Office Jharia, District Dhanbad in keeping the following workmen under suspension for the period shown against each is justified? If not, to what relief are these workmen entitled?

Name of the workman	Designation	Period of Suspension
r. Sri Sripathi Modi	Miner	Fro:n 25-12-67 to 3-1-1968.
2. Sri Kisto Modi	Miner	From 25-12-67 to 3-1-1968.
3. Sri Chhota Mahesh Modi	Miner	From 30-3-68 to 9-4-1968,"

- 2. The parties have negotiated the dispute and setfled it amicably. They have filed a compromise petition at annexure 'A'. According to the terms of compromise the period of suspension of the workmen concerned Sarvasree Sripati Modi, Kisto Modi and Chhota Mahesh Modi, miners will be treated as leave without pay.
- 3. The terms are considered satisfactory and are accepted. Let the reference be disposed in terms of the compromise which will form part of the award. The award may now be submitted to the Central Government under section 15 of the Industrial Disputes Act. 1947.

(Sd.) Sachidanand Sinha.

Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 3, DHANBAD.

REFERENCE No. 22 of 1969

Employers in relation to Bhuggatdih Rise Area Colliery.

AND

Their workmen.

That without prejudice to the respective contention to the parties, the disputes concerning the above reference have been amicably settled between the parties on the following terms and conditions:—

- (1) That the period of suspension of the workmen concerned Sarvasrec Sripati Mudi, Kisto Mudi and Chhota Mahesh Mudi, Miners will be treated as leave without pay.
- (2) That the above terms finally resolve all disputes pending before the Hon'ble Tribunal concerning the above reference.

For the workmen:
(Sd.) RAJBALLABH PRASAD,
Sccretary,
Khan Mazdoor Congress.

For the employer:
1. (Sd.) S. K. BHATTACHARYA,
Agent,
Bhuggatdih Colliery.
2. (Sd.) R. N. GANGULY,
Administrative Officer.

Administrative Officer, Bhuggatdih Colliery. Agent,

Dated 29th September, 1969

[No. 2/257/68-LR.II.]

S.O. 4283.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the South Govindpur Colliery, Post Office Katrasgarh. District Dhanbad, and their workmen, which was received by the Central Government on the 8th October, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DIJANBAD

REFERENCE No. 101 of 1968

PRESENT:

Sari Sachindanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the South Govindpur Colliery, and their workmen. Appearances:

For workmen-Shri P. K. Bose, Advocate.

For Employers—S/Shri S. S. Mukherjee, & B. Joshi, Advocates.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 29th September, 1969

AWARD

The Central Government being of opinion that an industrial dispute exists between the employers in relation to the South Govindpur Colliery, Post Office Katrasgarh, District Dhanbad and their workmen by order No. 2/124/68 LRII dated the 9th of September, 1968 referred under section 10(1)(d) of the industrial Disputes Act, 1947 to this Tribunal, for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

- "Whether the action of the management of South Govindpur Colliery, Post Office Katrasgarh, District Dhanbad in stopping Shri Guru Dayal Manjhi, Register-keeper, from work with effect from the 9th April, 1968 and subsequently dismissing him from service from the 23rd April, 1968 was justified? If not, to what relief is the workman entitled?"
- 2. The Management filed their written statement on 6th December, 1968 and their rejoinder on 12th May, 1969. Their case is that Shri Gurudayal Manjhi the concerned workman was appointed as a register keeper in the colliery. He was in the habit of remaining absent from duty without prior permission or information in the past. For such unauthorised absence warning letters dated 8th March, 1967, 13th August, 1967 and 16th September, 1967 amongst others were issued to Shri Gurudayal Manjhi. In one of the letters dated 12th August, 1967 the workman admitted his guilt of remaining absent without permission and prayed to be excused. In spite of repeated chances the workman did not improve his conduct and he again remained absent from 9th April, 1968. The management therefore terminated his service by letter dated 23rd April, 1968 offering him one month's pay in lieu of notice. The contention of the management is that Shri Gurudayal Manjhi was not stopped from work from 9th April, 1968 or that he was dismissed from 23rd April, 1968. The service of Shri Gurudayal Manjhi was simply terminated by letter dated 23rd April, 1968 and he is not entitled to any relief.
- 3. The Colliery Mazdoor Sangh on behalf of the workman filed the written statement on 13th March, 1969. Their case is that Sri Gurudayal Manjhi had been engaged as a Register Keeper in South Govindpur Colliery for a period of about 12 years till the date of his stoppage in April, 1968. The workman reported for his usual duty on 9th April, 1968, but he was not allowed to resume duty by verbal order of the Manager. When the workman went to meet the Proprietor, the Proprietor in turn told him that he was stopped by the Manager. No notice whatsoever was issued to the workman, for his stoppage from duty with effect from 9th April, 1968. The workman continued to visit the colliery

for a period of more than a month. But neither he was served with any notice nor he was allowed to resume his normal duties. The workman was a permanent employee of the colliery and worked for a long period of about 12 years without any adverse remarks against him in his services and performed his duties properly and there was no allegation against his duty as a Register number. The management has punished him for his joining trade union which is disliked by the management. The action taken by the management is illegal malafide and is an instance of unfair labour practice. It was therefore prayed that the workman be reinstated to his original post of Register Keeper with full back wages and allowances as if he was in employment all throughout.

- 4. The management has examined two witnesses, viz. MW-1 Sri V. II. Thaker, who is working as the Manager of the Colliery since the year 1960 and MW-2 Sri Ramrekha Singh. The management has also exhibited 10 items of documents which are marked Ext. M-1 to M-10. The Union examined one witness viz. Sri Gurudayal Manjhi, The concerned workman and has also exhibited 9 items of documents and they are marked Ext. W-1 to W-9.
- 5. The points for consideration are (i) whether the management was justified in stopping the concerned workman Sri Gurudayal Manjhi as a register keeper from work with effect from 9th of April, 1968 (ii) whether the management was justified in dismissing him from working from the 23rd of April, 1968? Both the points are interconnected and therefore, are taken up together.
- 6. In the written statement of the management it is admitted that the concerned workman Sri Gurudayal Manjhi was appointed sometime in the year 1959. The Union also filed Ext. W-1 which shows that Sri Gurudayal Manjhi was appointed as a Register Keeper on 11th December 1959. MW-i Sri V. H. Thaker has also admitted in his evidence that the concerned workman Sri Gurudayal Manjhi was employed in this colliery from before his appointment as manager and he has been working as a manager in this colliery since the year 1960. According to the management Sri Gurudayal Manjhi was very irregular in his According to the management Sri Gurudayal Manjhi was very irregular in his attendance and in the habit of absenting without permission for which he was warned by letters. The management has filed Ext. M-1 which is letter dated 8th July 1967, M-2, letter 13th August 1967, M-4, letter dated 16th September 1967 and Ext. M-5 which is letter dated 17th February 1968. By these letter Sri Gurudayal Manjhi has been warned for his being absent from duties. Ext. M-3 shows that the concerned workman Sri Gurudayal Manjhi had admitted that from 9th August 1967 to 11th August 1967 he was absent without taking leave. All these letters are of the year 1967 and by those letters the concerned workman Sri Gurudayal Manjhi was warned for being absent without leave. On the other hand the Union has also filed certain letters Ext. W-2 dated 12th July 1967, W-3 dated 19th July 1967 and W-3 dated 6th January 1968 showing that the concerned workman had also submitted aplications for leave. These exhibits concerned workman had also submitted aplications for leave-These exhibits show that in the year 1967 the concerned workman Sri Gurudayal Manjhi was on leave for some days' with permission and for some days without permission for which he was warned and was marked absent. There is no other allegation against this workman. He was in service since December, 1959, but no other allegation except for his absence without leave in the year 1967, has been made-On 23rd April 1968 the management issued the following letter Ext. M-6 to the concerned workman. The letter reads "As you have been absenting from work from 9th April, 1968 and are still absenting from work without having obtained any leave or permission. In the past also you have absented several times without taking any leave. As such we are constrained to terminate your service with immediate effect".
- 7. It appears that a sum of Rs. 324.28 palse was also paid to the concerned workman Sri Gurudayal Manjhi. Sri Gurudayal Manjhi in his evidence had admitted that he put his signature on Ext. M-9. But his contention is that he received only a sum of Rs. 150/- from the management and not Rs. 324.28. According to Ext. M-6 his service was terminated with effect from 23rd April 1968 for remaining absent from 9th April 1968 without leave or permission.
- 8. Under the Standing Order 18(1)(d) of the management habitual late attendance and habitual absence without leave or without sufficient cause constitute misconduct. Therefore, this was not a discharge simpliciter. The order of discharge was really bassed by way of punishment. If an employer terminates the services of an employee as and by way of punishment and his mind is weighed by an allegation of misconduct on the part of the employee, it is but fair and just that

he should give proper opportunity to the employee to explain by holding a proper enquiry. Under such circumstances termination of services of an employee without giving such an opportunity would constitute nothing short of a colourable exercise of powers. The service of a permanent workman cannot be terminated in arbitrary manner at the sweetwill of the employer. The employee is entitled to be protected in such cases as the very base of the security of the service which is vital to the employee will be shattered otherwise. According to the management it was a case of discharge for habitual absence without leave and permission which is constituted under the Standing Order a misconduct. Therefore, even when the employer has acted bonafide, an order of discharge on the ground of habitual absence without leave which is made without holding a departmental enquiry is bad in law.

- 9. The question of the employer's freedom of contract in the context of industrial adjudiction was considered by the Supreme Court in Rai Bahadur Dewan Badri Das V. Industrial Tribunal. Gajendragadkar, J. speaking for the majority said "The doctrine of absolute freedom of contract has thus to yield to the higher claims for social justice***the right to dismiss an employee is also controlled subject to well recognised limits in order to guarantee security of tenure to industrial employees. Therefore, before the action of discharge or dismissal by way of punishment for a misconduct can be taken against a workman, the employer is bound under the standing orders as well as on the principles of natural justee to draw up a regular proceedings lagainst him. Furthermore, even in cases of discharge of a workman under the contract of service or standing order the requirement of bonafide is since qua non, as malafide or colourable exercise of a contractual or statutory power is not legal exercise so such power.
- 10. In Tata Oil Mills Company Lid's case [1966 (II), L.L.J., page 602] Gajendragadkar, J. said "Where an order of discharge passed by an employer gives rise to an industrial dispute, the form of the order by which the employee's services are terminated, would not be decisive; industrial adjudication would be entitled to examine the substance of the matter and decide whether the termination is in fact discharge simpliciter or it amounts to dismissal which has put on the cloak of a discharge simpliciter. If the industrial court is satisfied that the order of discharge is punitive, that it is malafide, or that it amounts to victimisation or unfair labour practice, it is competent to the Industrial Court to set aside the order and, in a proper case direct the reinstatement of the employee. The test always has to be whether the action is malafide, or appears to be a colourable exercise of the powers conferred on the employer either by the terms of contract or by the standing orders, then notwithstanding the form of the order, industrial adjudication would examine the substance and would direct reinstatement in fit case".
- 11. In the instant case I find that the services of the concerned workman Sri Gurudayal Manjhi was terminated for habitual absence without permission which was a dereliction of duty and therefore, this clearly amounted to punishment for misconduct and therefore under such circumstances to pass an order of discharge simpliciter was clearly a colourable exercise of the power to terminate the services of the workman.
- 12. In this case I find that the employer terminated the service of the concerned workman Sri Gurudayal Manjhi by way of punishment without giving him proper opportunity to explain by holding a proper enquiry.
- I3. In this view of the evidence I find that there is no sufficient evidence on record to show that the management stopped the workman Sri Gurudayal Manjhi from work with effect from the 9th of April. 1968 but I hold that the management was not justified in dismissing Sri Gurudayal Manjhi from service from the 23rd of April. 1968. The workman Sri Gurudayal Manjhi is therefore, entitled to be reinstated with fu'l back wases from the date of his dismissal upto the date of his reinstatement along with continuity of service. The amount of Rs. 324.23 received by him on 15th July 1969 be adjusted towards his back wages.
- 14. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA.

ORDERS

New Delhi, the 10th October 1969

S.O. 4284.—Whereas the Central Government is of opinion that an industrial dispute exists between the cmp oyers in relation to the management of Messrs. Jaipur Udyog Limited, Sawaimandhopur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma, as Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Whether the action of the management of the Jaipur Udyog Limited. Sawaimadhopur in striking off the names of Sarvasri Radhey Sham and Kanwar Pal, Beldars from the rolls of the Company with effect from the 17th May, 1967 was legal and justified? If not, to what relief are the workmen entitled?

[No. 36/35/68-LR.IV.]

New Delhi, the 13th October 1969

S.O. 4285.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ningha Colliery of Messrs Lodna Colliery Company (1920) Limited. Post Office Kalipahari, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirnale to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act. 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under Section 7A of the said Act.

SCHEDULE

"Whether the dismissal from service of Shri Subodh Dey, loading clerk, with effect from the 21st April, 1969 by the management of Ningha Colliery of Messrs Lodna Colliery Company (1920) Limited, Post Office Kalipahari, District Burdwan was bonafide and justified? If not, to what relief is the workman entitled"?

[No. 6/48/69/LRII.]

S.O. 4286.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Harkrishnan Singh Chopra and Brothers (Collieries) Private Limited, G.T. Road (West) Post Office Asansol, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE.

"Keeping in view the recommendations of the Central Wage Board for Coal Mining Industry as accepted by the Government of India whether the management of Messrs Harikrishnan Singh Chopra and Brothers (Collieries) Private, Limited were justified in refusing to their workmen at Adjai Second Colliery, Post Office Charanpur, District Burdwan, the payment of (1) Dearness Allowance @ Rs. 1.47 per day during the period from 1st April 1968 to 31st December 1968 and (2) railway fare higher classes to the entitled workmen during the period from 15th August 1967 to 31st December 1968? If not, to what relief are the workmen concerned entitled"?

[No. 6/23/69/LRH.]

New Delhi, the 14th October 1969

S.O. 4287.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Bastacolla Colliery of Messrs East Bastacolla Colliery Company, Post Office Jharia. District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal. (No. 3) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE.

"Whether the management of East Bastacolla Colliery of Messrs East Bastacolla Colliery Company, Post Office Jharia, District Dhanbad, was justified in stopping Shri Rameshwar Lohar, Chaprasi from work with effect from the 3rd May, 1969? If not, to what relief is the workman antitiod?"

[No. 2/152/69/LR.II.]

S.O. 4288.—Whereas, the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company, Limited, Post Office Kothagudium Collieries (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed:

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, as Presiding Officer with headquarters at Afzai Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Whether the action of the management of Singareni Collieries Company Limited. Kothagudium in not granting higher start in the grade of Rs. 205-037 for Graduate Clerks employed at the General Manager's office at Kothagudium is justified? If not, to what relief the workmen are entitled?"

{No. 7/23/68-LR-II-}

New Delhi, the 15th October 1969

S.O. 4289.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company, Limited, Post Office Kothagudium Collieries (Andhra Bradesh) and their workmen in respect of the matter specified in the Schedule hereto annexed:

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with

Shri Mohammad Najmuddin, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"With regard to the nature of duties performed by Sarvashri Golla Iyalu.

Lambadi Somalu and Rapalli Bondiyalu as Trolley Attenders, whether the management of Singareni Collieries Company Limited, Kothagudium is justified in placing these workmen in New Category II under the Central Wage Board Recommendations? If not, to what relief these workmen are entitled and from what date?"

[No. 7/1/69·LR.II.]

New Delhi, the 16th October 1969

S.O. 4290.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company, Limited, Post Office Kothagudium Collieries (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Having in view the recommendations made by the Central Wage Board for Coal Industry, in Appendix-VI (Page 54) of Volume-II, for clerical staff with regard to their grading and nomenclature, whether the management of Singareni Collieries Company Limited is justified in changing the designation of Sarvashri (1) M. K. S. V. Raghav Rao, (2) K. Shankaraish, (3) A. T. Mathai and (4) P. F. Anthervedi from that of Loading Inspectors to that of Loading Checkers and fixing them in Grade-III? If not, to what relief, the workmen are entitled?"

[No. 1/28/68-LRII.]

S.O. 4291.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the Bhalgora Colliery of Messrs Bhalgora Coal Company Limited, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad constituted under section 7A of the said Act.

SCHEDULE.

"Whether the management of Bhalgora Colliery belonging to Massrs Bhalgora Coal Company Limited, Post Office Jharia, District Dhanbad was justified in terminating the services of Shri Anath Bandhu Chakraborty, Overman with effect from the 27th June, 1969? If not, to what relief is the workman entitled?"

New Delhi, the 18th October 1969

S.O. 4292.—Whereas an industrial dispute exists between the management of R. B. Ramprasad Rajgarhia Mica Mine Owners, Jaipur and their workmen represented by Rashtriya Mines Mazdoor Sangh, Phagi, Madhorajpura, Jaipur;

And, whereas the said company and the union have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 27th September, 1969.

Agreement

(Under Section 10A of the Industrial Disputes Act, 1947).

BETWEEN

Representing Employer—Shri I. N. Saksena, Manager, R. B. Ramprasad Rajgarhia Mica Mine Owners, Jaipur.

Representing Workmen—Shri Hazarilal Verma, Secretary, Rashtriya Mine Mazdoor Sangh, Phagi, Madhorajpura, District, Jaipur.

It is hereby agreed between the parties to refer the following industrial dispute to the Arbitration of Shri R. P. Bartaria, Regional Labour Commissioner (C), Ajmer.

- (i) Specific matters in dispute—"Having regard to the provisions of the Payment of Bonus Act, 1965, whether the demand of the Rashtriya Mines Mazdoor Sangh, Madhorajpura for the payment of bonus @ 20 per cent of the salary or wage earned by the employees employed by R. B. Ramprasad Rajgarhia Mica Mine Owners in their Bojpura Mica Mine during the accounting years 1964, 1965, 1966, 1967 and 1968 is legal and justified? If not, to what relief are the workmen entitled?"
- (ii) Details of the parties to the dispute—R. B. Ramprasad Rajgarhia Mica Mine Owners, Jaipur.

AND

Rashtriya Mines Mazdoor Sangh. Phagi, Madhorajpura, Jaipur.

- (iii) Name of the Union representing the workmen in question—Rashtriya Mines Mazdoor Sangh, Phagi, Madhorajpura, Jaipur.
- (iv) Total number of the workmen employed in the undertaking affected—100 approximate'y.
- (v) Estimated number of workmen affected or likely to be affected by the dispute—100 approximately.

We further agree that the decision of the arbitrator shall be binding on ug.

The arbitrator shall make his award within a period of three months or within such time as is extended by mutual agreement between us in writing. In case the award is not made within the aforementioned period the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for arbitration.

Representing Employer.

Representing Workmen.

(Sd.) I. N. SAKSENA,

(Sd.) SHRI HAZARILAL VERMA,

Witnesses:

- (1) (Sd.) K. L. CHANDANI.
- (2) (Sd.) N. K. KOTWANI.

[No. 20/10/69-LR/IV.]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 14th October 1969

S.O. 4293.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. No. 982, dated the 8th March, 1968, the Central Government, having regard to the location of the Government Press. Chandigarh, in an implemented area, hereby exempts the said press from the payment of the employers' special contribution leviable under Chapter VA of the aid Act for a further period of one year with effect from the 11th March. 1969 upto. and inclusive of the 10th March, 1970.

[No. F.6(36)/69-HI.]

New Delhi, the 17th October 1969

S.O. 4294.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as All India Newspaper Editors' Conference, 50/51. Theatre Communication Building, Connaught Place, New Delhi, have agreed, that the provisions of the Employees' Provident Funds Act. 1952 (19 of 1952), should be made applicable to the said establishment:

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of November, 1967.

[No. 8/74/69/PF.II(i).]

S.O. 4295.—In exercise of the powers conferred by first proviso to section 6 of the Employees' Provident Funds Act. 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 1st day of November, 1967 section 6 of the said Act, shall in Its application to All India Newspaper Editors' Conference, 50/51, Theatre Communication Building, Connaught Place, New Delhi be subject to the modification that for the words "six and a quarter per cent", the words "eight per cent" were substituted.

[No. 8/74/69 PF,II(ii).1

CORRIGENDUM

New Delhi, the 14th October 1969

S.O. 4296.—In the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. No. 3185, dated the 31st July, 1969, published at pages 3347-48 of the Gazette of India, Part II Section 3(ii) in the Schedule, against S. No. 2, in columns 2 and 3 for 'Wardha' and 'Talegaon' read 'Talegaon' and 'Wardha' respectively.

[No. 6(58)/60-HI]

DALJIT SINGH, Under Secy

श्रम, नियोजन श्रौर यनवीस मंत्रालय (श्रम ग्रीर नियोजन विभाग)

नई दिल्ली, 17 अक्तूबर, 1969

का० द्यां 4297 --- यत: केन्द्रीय सरकार को यह प्रतीत होता है कि प्राल इंडिया न्यजपेपर एडीटस कान्फ्रेंस, 50/51 थियेटर कम्यनिकेणन बिल्डिंग, कनाट प्लेस, नई दिल्ली नामक स्थापन से सम्बन्ध नियोजक और कर्मचारियों की बहसंख्या इस बात पर सहमत हो गई है कि कमवारी भविष्य-निधि प्रधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए $\frac{6}{3}$ जाने चाहिए ।

श्रतः श्रव, उक्त श्रधिनियम की धारा । की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापना को एतद्द्वारा लागू करती है।

यह अधिसूचना 1967 के नवस्वर के प्रथम दिन को प्रवृत्त हुई समझी आएगें।

[#০ 8/74/69/भ० नि०-2 (I)]

का० ग्रा० 4298.—कर्म वारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त गक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इस विषय में आवश्यक जांच कर लेते के पण्यान्, एतद्द्वारा यह विनिद्धिट करती है कि नवम्बर 1967 के प्रथम दिन में उक्त अधिनियम की धारा 6, आल इंडिया न्यूजपेपर एडीटर्स कान्फ्रेंस, 50/51, थियेटर कम्युन निकेशन विविधा, कनाट प्लेस, नई दिल्ली को लागू होने के सम्बन्ध में इस उपान्तरण के प्रध्यक्षीन होगी कि "मवा छह प्रतिश्वार" शब्दों के लिए "श्राठ प्रतिश्वार" शब्द प्रतिश्वापित किए जाएं

[सं० 8/74/69-भ०नि०-2 (II)]

दलजीत सिंह, श्वर सचिव ।

INDUSTRY: General Insurance

(Department of Labour and Employment)

New Delhi, the 15th October 1969

S.O. 4299.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial disputes between the employers in relation to the New Zealand Insurance Company Limited. Bombay and their workmen, which was received by the Central Government on the 4th October, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL. BOMBAY

REFERENCE No. CGIT-12 of 1968.

PARTIES:

Employers in relation to the New Zealand Insurance Co. Ltd.

AND

Their workmen.

PRESENT:

Shri A. T. Zambre—Presiding Officer.

APPEARANCES:

STATE: Maharashtra.

For the employers—Shri P. K. Rele, Solicitor of Messrs Crawford Baylay and Company.

For the workmen—Shri J. C. Gadkari, Advocate with Shri K. S. B. Pillai, General Secretary, General Insurance Employees' Union.

Bombay, dated 26th September, 1969.

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation. Department of Labour and Employment by their Order No. 25/26/68-LR.III. dated 1st August, 1968 have referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the New Zealand

Insurance Company Ltd., Bombay and their workmen in respect of the matters specified in the following schedule:

SCHEDULE

- "Whether the management of New Zealand Insurance Company Limited, Bombay, is justified in withdrawing the operation of the Staff Profit Sharing Scheme with effect from the 31st May 1968? If not, to what relief are the employees entitled?"
- 2. The employer company—New Zealand Insurance Company Ltd., Bombay, is a branch of the New Zealand Insurance Company Ltd., which is incorporated in New Zealand having its head office at Auckland. It has branches all over the world. But only the management of the Bombay branch is concerned in this reference. The company had in the year 1923 introduced a staff profit sharing scheme and circulars were issued to all the branches. The staff profit sharing scheme was subject to the terms and conditions mentioned therein and under the scheme the Board of Directors was empowered to distribute some part of the profit among the qualified members of the staff and they were entitled to get the additional amount varying from 3 per cent to 5 per cent of their annual basic salary every year. Pursuant to the powers existing in the Board of Directors the Board at the head office by their resolution dated 19th March. 1967 decided to withdraw the profit sharing scheme with effect from 31st May, 1968 and in accordance with this resolution the management of the Bombay branch gave to the employees a notice of change in accordance with the provisions of section 9A of the Industrial Disputes Act whereupon the employees of the company raised a dispute and as a result of the failure report in conciliation proceedings the dispute is referred to this Tribunal for adjudication.
- 3. The employees of the company who are represented by the General Insurance Employees' Union by their statement of claim have contended that since the scheme had been in existence for about 40 years it has become a part and parcel of their service conditions and an implied term of the contract of employment and also a customary right to a benefit or a privilege and the action of the management in withdrawing the benefit of profit sharing prejudicially and adversely affects the conditions of service and is illegal and unjustifiable. It was further contended that the profit sharing scheme had never been subject to the condition of withdrawal by the Board of Directors and there was no clause in existence in the scheme empowering the Board to terminate the same. The action of the management was further challenged on the contention that the demands of the employees regarding wage scales, provident fund, gratuity, etc., were pending under a reference in the Tribunal. There was a specific demand that nothing contained in the charter of demands would adversely affect or take away the privilege meaning there by all privileges and the action of the management was illegal and prohibited under the provisions of section 33(1)(a) of the Industrial Disputes Act. The action contemplated by the management was also prejudicially affecting the employees and is not justified.
- 4. The management by their written statement and rejoinder have contended that under clause 10 of the said scheme the Board had the powers to add or alter the provisions of the scheme or any of them and also had the power to terminate the scheme and in pursuance of these powers existing in them the Board had by its resolution dated 19th March 1967 decided to withdraw the scheme and there was nothing illegal. The scheme was also subject to terms and conditions and there was no question of its being a condition of service or term of employment and the Board had the power to withdraw the same. It was contended that the profit sharing scheme had absolutely no connection with the reference pending before the Tribunal. There was no alteration of conditions of service and no breach of the provisions of section 33(1)(a). The company by its notice dated 8th April 1968 informed the workers the decision of the Board of Directors to withdraw the scheme and to substitute it for guaranteed additional company's contribution of 5 per cent of basic salary. For the last 15 years the average profit distribution under the scheme was only 4.4 per cent of the basic salary and the change proposed was beneficial and to the advantage of the staff.
- 5. Considering the contentions raised by the parties the material points to be determined in this reference are (1) whether the benefit under the scheme has become part and parcel of the service conditions or a customary right or privilege (2) whether the scheme was subject to the conditions of withdrawal (3) whether the notice of withdrawal is illegal and in contravention of section 33 of the Industrial Disputes Act (4) whether the withdrawal is against the principles of social justice and unjustifiable.

- 6. The parties have not led any oral evidence but have produced certain documents and requested the Tribunal to decide the question on the pleadings the documents and arguments.
- 7. Shri Gadkari, the learned Counsel for the union has argued that the employees of the company are enjoying the benefit of the scheme for over 40 years and it has been part and parcel of the service conditions and contract of employment. It is not in dispute that the profit sharing scheme has been introduced by the company somewhere in or about the year 1923 and the Board of Directors distributes some part of the profit amongst some eligible members of the staff. However, except for this distribution of a part of the profit there is nothing to show that the benefit of the scheme is a condition of service or a term of the contract of employment. It is not the case of the workmen that before the introduction of the scheme there was a demand by the workmen and as a result of collective bargaining the scheme was introduced. The company had been incorporated long before the introduction of the scheme. The scheme was not there in the beginning and it is difficult to accept the contention that the scheme is a part and parcel of the conditions of service and contract of employment.
- 8. The company in annexure A to its written statement has produced the provisions of the scheme and if examined carefully it will show that the benefit under the scheme cannot be a condition of service. The object itself is for encouraging diligence, thrift and enterprise amongst the members of the staff. The officers who can be members have been defined as salaried employees on the permanent staff of the company serving in fields to which the scheme applies which shows that it is not applicable to the staff working in all fields. From the eligibility clause it appears that all officers are not qualified to participate in the scheme. Officers who had completed not less than three years of continuous employment on 31st May of any year are eligible under the scheme. Under clause 9 cf the scheme the Board has got full power to control the working of the scheme and from this it will be clear that the benefit of the scheme is only a benefit governed by the provisions of the scheme and cannot be part of the conditions of service.
- 9. The company had under clause 10 withdrawn the scheme and the union has contended that the scheme had never been subject to the condition of withdrawal and there was no such clause as clause 10 in existence. The company has produced notarially certified copies of the staff profit sharing scheme from 1923 onwards and it is clear that clause 10 in the annexure corresponds to clause 7 which provides in effect that the Board may from time to time by resolution add to or after the provisions of the scheme and may also by resolution decide that the scheme shall terminate and cease to have effect from 31st May of the year next following that in which such notice was given. This clearly shows that the Board has got the power to withdraw the scheme in any year and the scheme was subject to the condition of withdrawal. This circumstance further supports the case of the management that the benefit of the scheme cannot be a condition of service or contract of employment. The very fact that there are various conditions in the scheme shows that the scheme is a benefit by itself and has no connection with the service conditions. For the same reasons it cannot be a customary right or privilege.
- 10. It is significant to remember that during the course of years the scheme has been altered and amended on many occasions. It will appear from the notarially certified copies that in the beginning officers who had been in continuous service of the company for full three years before 31st May 1923 were eligible to become members of the scheme. Subsequently there was an amendment in the year 1951 by which the period of three years for eligibility was reduced to one year. There were also amendments empowering the Board to alter and vary the terms of the scheme and it will appear that from the beginning the Board had the power to amend or vary the existing scheme and the Board had exercised such powers: from time to time. The employees have no say in it and the benefit of the scheme cannot be a condition of service.
- 11. The learned Counsel for the company has also relied upon the ruling reported in 1968 t LLJ 550 [Braithwate and Co. (India) Ltd., and Employees State Insurance Corporation] in which the guestion to be decided was whether the tuampaid by the company under the scheme was covered by the definition of wages and it was contended by the workmen that the payment of the inam had become

a term of the contract of employment. In this ruling their Lordships have observed:—

"Even though the offer of incentive payment was made the appellant in clear words reserved the right to withdraw the scheme altogether without assigning any reason or to revise its condition at its sole discretion. Clearly if the right to the inam had become an implied condition of contract of employment the employer could not withdraw that right at its discretion without assigning any reason nor could the employer vary its conditions without agreement from the employees concerned."

The facts of that case are to some extent similar to the facts in the present case and this observation also supports the management that the benefit of the scheme cannot be a condition of service or contract of employment.

- 12. It is not in dispute that the Board of Directors by their resolution dated 19th March, 1967 decided to withdraw the scheme with effect from 31st May, 1968 and the company had by their notice dated 9th May, 1968 informed the employees about their intention to effect the change as notified in the circular annexed thereto. In this annexed circular it was stated that it was decided to withdraw the profit sharing scheme with effect from 31st May, 1968 and to substitute it by a guaranteed additional company contribution of 5 per cent of the basic salary and after this notice and circular the employees had raised the present dispute. Now it has been contended that the employees' demand of wage scales, dearness allowance, providint fund and retirement benefits was pending before the Tribunal. The employees had also made a specific demand that nothing contained in the charter of demands should adversely affect or take away any privilege and as the company had effected the change by the notice dated 9th May, 1968 during the rendency of the dispute the notice of change and the withdrawal of the benefit was illegal and prohibited under section 33(1)(a) of the Industrial Disputes Act. It was further argued that the withdrawal had prejudicially and adversely affected the workers and it was against the principles of social justice.
- 13. It is not in dispute that Ref. No. CGIT-9 of 1966 between the employers and the workmen is pending in the Tribunal and it is in respect of the demands about wage scales, dearness allowance etc. However, it has absolutely nothing to do about the staff profit sharing scheme. Section 33(1) of the Industrial Disputes Act in effect prohibits the management and provides that during the pendency of any proceeding the employer shall not in regard to any matter connected with the dispute alter to the prejudice of the workmen the conditions of service applicable to them immediately before the commencement of such proceding. I have already discussed the provisions of the scheme and found that the benefit under the scheme is not a condition of service. It is also not in dispute that the staff profit sharing scheme is not a subject matter of the reference and it cannot be said to be a matter connected with the dispute, and there is no substance in the contention that by the notice of change the company had violated the provisions of section 33 of the Industrial Disputes Act.
- 14. The learned Counsel for the union has further argued that the withdrawal of the benefit has adversely affected the workers and it is prejudicial to them and even if it be held that it was within the powers of the Board to effect such a change and was legal it cannot be justified. Everything legal is not justified in industrial matters and as the withdrawal has affected the workers adversely the same should not be permitted. Learned Counsel has invited my attention to the observation of their Lordships of the Supreme Court reported in 1958 1 LLJ page 1 (Crown Aluminium Works and their workmen) in which it has been observed:—
 - "It is essential to bear in mind the main objectives which industrial adjudication in a modern democratic welfare State inevitably keeps in view of fixing wage structures. With the emergence of the concept of a Welfare State collective bargaining between trade unions and capital has come into its own and has received statutory recognition. The old principle of the absolute freedom of contract and the doctrine of laissez faire have yielded place to new principles of social welfare and common good. Labour naturally looks upon the constitution of wage structures as affording a bulwark against the dangers of a depression safeguard against unfair methods of competition between employers and a gusrantee of wages necessary for the minimum requirements of employees. There can be no doubt

that in fixing wage structures in different industries industrial adjudication attempts gradually and by stages though it may be to attain the principal objective of a welfare State to secure to all citizens justice social and economic."

and it is argued that by the withdrawal of the scheme certain benefits are taken away from the workers and the management has violated the principles of social justice.

- 15. I have already mentioned the contents of the circular issued by the company which states that the Board had decided to withdraw the scheme and substitute it by a guaranteed additional company's contribution of 5 per cent. of basic salary. The company in its annexure to the written statement has given the benefit in terms of percentage received by the workmen under the scheme during the last 15 years. It is not in dispute that the average of the profit distribution under the profit sharing scheme is only 4.4 per cent of the basic salary and the guaranteed 5 per cent in substitution clearly appears to be advantageous to the employees. In any case it cannot be said to be prejudicially affecting the interests of the workers and is neither illegal nor unsocial.
- It cannot be ignored that the Bombay office is only a branch of the New Zealand Insurance Co. Ltd., which is incorporated in New Zealand. Its head office is in Auckland and it has got branches all over the world. The profit sharing scheme has been based on the profits of all the branches. But what reasons prompted the Board is not known. The Board of Directors at the Head Office had taken the decision. The provisions of the scheme do not require the Board to state the reasons for terminating it. No motives also have been attributed by the workmen to the management in issuing the circular to the Bombay employees and withdrawing the scheme. As it is a worldwide scheme governed by the Board of Directors in another country I do not think that the Tribunal will be justified in any way in interfering with the decision. It has been pointed that a similar question about the pension scheme in respect of employees of the exchange banks arose before the learned Tribunal Shri K. T. Desai and it will appear from paragraph 3:61 of the award that the learned Judge held that as the pension scheme was formulated abroad his Lordship refused to give direction in connection with the pension scheme. The staff profit sharing scheme has been made applicable to the branches all over the world. It was based on the worldwide profit of the branches and on its termination when the company had compensated the workers and in substitution given a guaranteed contribution of 5 per cent towards the provident fund I do not think that the management was not justified in withdrawing it. In view of this finding the employees are not entitled to any relief. Hence my award accordingly.

No order as to costs.

(Sd.)`A. T. ZAMBRE, Presiding Officer, Central Government Industrial Tribunal, Bombay.

No. F. 25/26/63-LR.III(LRI.)

U. MAHABALA RAO, Dy Secy.

(Department of Labour & Employment)

New Delhi, the 17th October 1969

S.O. 4300.—In exercise of the powers conferred by sub-regulation (1) of regulation 11 of the Metalliferrous Mines Regulations, 1961, the Central Government hereby appoints Shri T. B. Malhotra, Managing Director. Uranium Corporation of India, Jaduguda Mines as a member of the Board of Mining Examinations vide Shri N. A. B. Hi'l and make the following amendment in the notification of the Government of India in the Ministry of Labour and Employment S.O. No. 2631, dated the 26th July, 1967, namely:—

In the said notification, for item 1 the following item shall be substituted, namely:—

"1. Shri T. B. Malhotra, Managing Director, Uranium Corporation of India, Jaduguda Mines." **S.O. 4301.**—In exercise of the powers conferred by sub-section (1) of section 83 of the Mines Act. 1952 (35 of 1952), the Central Government hereby exempts the mines working moulding sand, specified in column 2 of the Schedule below, from all the provisions of the said Act except those contained in sections 7, 8, 9, 44, 45, 46 and the provisions of Chapter IX of the said Act subject to the conditions specified in column 3 thereof.

SCHEDULE

S. Nc. Name of mine and owner

Conditions attached to

1

- 2

- Ghadechi Moulding Sand, Messrs Tata Chemicals Ltd., Village Ghadechi, Taluk, Okhamandal, District Jamnagar (Gujara!).
- The depth of the excavation measured from its highest to its lowest point nowhere exceeds 1.5 metres;

3

- (ii) the number of persons employed on any one day does not exceed 15; and
- (iii) explosives are not used in connection with the excavations
- 2. Altralf Moulding Sand, Messts M. G. Chachadi, P. O. Londa, District Belgaum (Mysore).
- 3. Akrali M. I., No. 720 Moulding Sand, Messrs Damle Brothers, P.O. Londa, District Belgaum, (Mysore).
- Akrali M.L. No. 656 Moulding Sand. Messrs Damle Brothers, P. O. Londa, District Belgaum, (Mysore).
- 5. Akrali M. I. No. 543 Moulding Sand, Messrs Damle Brothers. P.O. Londa. District Belgaum, (Mysore).
- Mudh Glass Sand Mine, Sri Gulab Chand Kochar, Village, Mudh, P.O. Srikolayatiji, District Bikaner (Rajasthan).

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Agriculture)

New Delhi, the 3rd October 1969

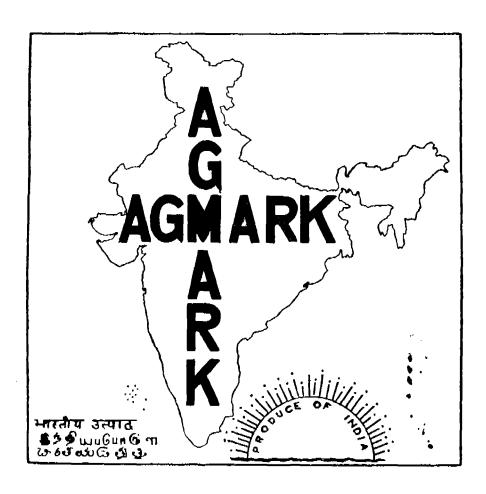
S.O. 4302.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules, the same having been previously published as required by the said section, namely:—

CUMIN SEEDS GRADING AND MARKING RULES, 1969

- 1. Short title and application.—(1) These rules may be called the Cumin Seeds Grading and Marking Rules, 1969.
- (2) They shall apply to Cumin Seeds produced in India and shall be in addition to and not in derogation of the General Grading and Marking Rules, 1937.
 - 2. **Definition.**—In these rules:—
 - (a) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India;
 - (b) "Auhorised packer" means any person or body of persons who has been issued a certificate of authorisation by the Agricultural Marketing Adviser authorising such person or body of persons to grade and mark Cumin Seeds under Agmark.
 - (c) "Cumin Seed" means Cuminum Cyminum L., whether powdered or not;
 - 3. Grade Designation.—The grade designation to indicate the quality of,
 - (i) Cumin Seeds (not powdered) shall be as set out in column 1 of Schedule II; and
 - (ii) Cumin Seeds (powdered) shall be as set out in column 1 of Schedule III.
- 4. Definition of quality.—The characteristics of the quality indicated by the respective grade designations;
 - (i) specified in column 1 of Schedule II shall be as set out against each grade designation in columns 2 to 7 of that Schedule, and
 - (ii) specified in column 1 of Schedule III shall be as set out in columns 2 to 5 of that Schedule.
- 5. Grade designation marks.—(1) The grade designation mark in the case of Cumin Seeds (whole or powdered) packed in polythene or paper bags or both shall consist of a printed design incorporating the number of certificate of authorisation, the word 'Agmark' and the grade approved by the Agricultural Marketing Adviser. The design to be used for the purpose shall be got approved by the Agricultural Marketing Adviser before it is actually printed.
- (2) The grade designation mark in the case of Cumin Seeds in prowdered form packed in tins or glass containers shall consist of a paste-on label specifying the grade designation with the word 'Agmark'.

- (3) The grade designation mark in the case of Cumin Seeds (whole or powdered) packed in containers of jute or cloth as well as on containers in which sealed polythene or paper bags of graded Cumin Seeds (whole or powdered) are packed shall consist of a label specifying the grade designation and bearing the design (consisting of an out-line map of India with the word 'Agmark' and the figure of rising sun with the words 'Produce of India' and 'Artalia 3 17 ' resembling the one as set out in Schedule I.
- 6. Method of Marking.—(1) The grade designation mark shall be securely affixed to, or where under rule 5 it is allowed to be printed shall be printed on, each container in the manner approved by the Agricultural Marketing Adviser.
- (2) The following particulars shall also be clearly and indelibly marked on each container, namely:—
 - (i) date of packing in code or plain letters,
 - (ii) lot number, and
 - (lii) net weight.
- (3) An authorised packer shall not affix or print any mark (including trade mark) on a container in which Cumin Seeds are packed which indicates or is likely to indicate a quality or grade different from that indicated by the grade designation mark of the article unless he obtains the approval of the Agricultural Marketing Adviser in this behalf,
- 7. **Method of Packing.**—(1) Only sound, clean and dry containers made of jute, cloth, paper or polythene, tin or glass shall be used for packing. They shall be free from any insect infestation or fungus contamination and also free from any undesirable smell.
- (2) The containers shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser.
- (3) Each package shall contain Cumin Seeds, either whole or powdered, of one grade designation only.
- 8. Special conditions of Certificate of Authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the following special conditions shall be observed by authorised packers to the satisfaction of the Agricultural Marketing Adviser, namely:—
 - (1) An authorised packer shall make such arrangements for testing Cumin Seeds as the Agricultural Marketing Adviser may specify by general or special order from time to time.
 - (2) An authorised packer shall provide such facilities as may be necessary to the Inspecting Officer, duly authorised by the Agricultural Marketing Adviser in this behalf, to discharge their duties under these rules.
- 9. Repeal and Savings.—The Cumin Seeds Grading and Marking Rules, 1964 are hereby repealed without prejudice to the previous operation of the said rules or anything duly done or suffered thereunder.

SCHEDULE I "Design for the Grade designation mark"



SCHEDULE II

(See rules 3 and 4)

Grade designation and definition of quality of cumin seeds (unpowdered)

Grade	Specia	al Character	ristics		(General Characteristics
Designation	Extrane- ous ma- tter % by wt. max.	Other seeds % by wt. max.	"Jeeralu" content % by wt. max.	Damaged discol- oured and weevilled seeds % by wt. max.	Shrivelled and immatur- seeds % by wt. max.	
I	2	3	4	5	6	7
I. Cumin Special	1.2	0.3	1.0	1.5	1.5	(a) Cumin Seeds shall be dried fruit of the plant Cuminum Cyminum I.
2. Cumin Good	2.5	0.1	3.0	2.5	3.0	(b) They shall have the Characteristic shape, colour, taste and aroma normal to the species.
3. Cumin Fair	3.2	1.5	3.2	3.2	4.0	(c) They shall be reasonably dry with moisture not exceeding 10%.
4. Cumin Average	5.0		5.0	5.0	5.0	(d) They shall be free from visible mould or insect infestation and musty odour. They shall also be free from any harmful foreign matter.

Nors:- "Extraneous matter" includes dirt, dust, stone pieces, stalks, stem or straw or any other impurity.

[&]quot;Other Seeds" include seeds other than that of Cumin.

[&]quot;Damaged and Discoloured Seeds" are those seeds that are internally damaged and discoloured, the damage and discolouration materially affecting the quality.

[&]quot;Weevilled Seeds" are those seeds that are partially or wholly bored or eaten by weevil or other insects.

[&]quot;Shrivelled and Immature Seeds" are those seeds that are not properly developed.

SCHEDULE III

(See rules 3 and 4)

Grade designation and definition of quality of cumin seeds (powdered)

Grade	Definit	ion of Quality	ÿ	General Characteristics
Designation	Special Cha	aracteristics		
	Mixture % by wt. max.	Total ash % by wt. max.	Acid insoluble ash % by wt. max.	e
I	2	3	4	5
Standard J	12.0	8.0	1.5	Cumin Seed (powdered) shall be the material obtained by
General	12.0	9.5	1.5	grinding dried cumin seed, whole. It shall be free from admixture, mould growth, in- sect infestation or musty odour.

[No. F.13-16/67-AM/LA]
B. R. KAPOOR,
Under Secv.

लाख, कृषि, सामुदायिक विकास ग्रीर सहकारिता मंत्रालय

(कृषि विभाग)

नई दिल्ली, 3 प्रक्तूबर, 1969

एस॰ झो॰ 4303 - कृषि उत्पाद (श्रेणीकरग श्रौर विल्लन) श्रधिनियम, 1937 (1937 का 1) की धारा अद्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्रारा निम्निलिखित नियम बनाती है। ये नियम उक्त धारा की श्रपेक्षानुसार पहले प्रकाशित किए जा चुके हैं, श्र्यात् :--

सफेंब जीरा भेंग्रीकरम् ग्रौर चिह्नन नियम

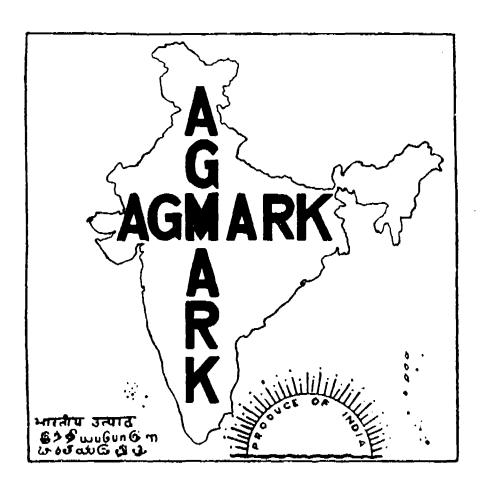
- संक्षिप्त नाम ग्रीर प्रारम्भ (1) ये नियम सफेद जीरा श्रेणीकरण ग्रीर चिह्नन नियम,
 1969 कहेजा सकेंगे।
- (2) ये भारत में उत्पादित सफेद जीरे को लागू होंगे और साधारण श्रेणीकरण और जिल्लन नियम, 1937 के अतिरिक्त होंगे, न कि उनके अल्पीकरण में ।
 - 2. परिभाषा :--इन नियमों में, :--
 - (क) "कृषि विपणन सलाहकार" से भ्रयं भारत सरकार का कृषि विपणन सलाहकार भ्रभिन्नेत है ।

- 4630
- (क) "प्राधिकृत पैकर" से कोई ऐसा व्यक्ति या व्यक्ति-निकाय अभिप्रेत है जिसे कृषि विषयन सलाहकार द्वारा प्राधिकरण प्रमाणपदा दिया गया हो जिस में ऐसे स्मिक्त या निकाय को ऐगमार्क के प्रधीन सफेद जीरे को श्रेणीकृत श्रीर चित्नित करने के लिए प्राधिकृत किया गया हो।
- (ग) "सफेद जीरा" से क्यूमिनम् साइमिनम एल० स्रिभित्रे किया गया हो, या न किया गया हो।
- 3. श्रेग्गी ग्रिभियान :---(1) सफ़ेद जीरे (चूणित नहीं) की क्वालिटी उपदर्शित करने के लिए श्रेणी प्रभिधान वह होगा जो प्रनुसूची 2 के स्तम्भ 1 में उपवर्गित है, श्रीर
- (2) सफेद जीरे (चूर्णित) की क्वालिटी उपदर्शित करने के लिए श्रेगी अभिज्ञान गई होगा जो स्रनसूची 3 के स्तम्भ 1 में उपवर्णित है ।
 - क्वालिटी की परिभाषा :---उन क्रमिक श्रेणी ग्रभिधानों द्वारा,---
 - (1) जो ग्रनुसूची 2 के स्तम्भ 1 में विनिद्धि हैं, उपदर्शित क्वालिटी की निन्नेक्ता ह् वे होंगी जो श्रन्सूची के स्तम्भ 2 से ले कर 7 तक में प्रत्येक श्रेणी श्रभिद्यान के सामने उपवर्णित हैं, श्रीर
 - (2) जो ग्रन्सूची 3 के स्तम्भ 1 में विनिर्दिष्ट हैं, उपदर्शित क्वालिटी की विशेवताई ने होंगी जो उस अनुसूची के स्तम्भ 2 से लेकर 5 तक में उपवर्णित हैं।
- 5. श्रे**गो म्रभियान चिद्ध**:-- (1) पोलिथीन या कागज के थैलों या दोनों में पैक किए हए सफेद जीरे (सम्पूर्ण या चिंगत) की दशा में श्रेणी श्रिभधान चिह्न एक मर्द्रित डिजाइन होगा जिस में प्राधिकरण प्रमाणपत्न की संख्या शब्द 'ऐगमार्क' धौर कृषि विपणन सलाहकार द्वारा श्रनुमोदित श्रेणी श्रंकित होगी। इन प्रयोजनों के लिए प्रयोग में लाई जाने वाली डिजाइन, उसे बस्तूतः छापने से पूर्व, कृषि विपणन सलाहकार द्वारा अनुमोदित करानी होगी।
- (2) टीनों या कांच के ग्राधान-पालों में पैक किए हुए चूर्णित सफेद जीरे की दशा में श्रेणी अभिधान चित्न चिपकाए जाने वाले लेबिल के रूप में होगा जिस पर शब्द 'ऐगमार्क' ग्रीर श्रेणी अभिधान विनिर्दिष्ट किए जायेंगे।
- (3) जूट या कपड़े के श्राधान-पालों में पैक किए हुए सफेद जीरे (सम्पूर्ण या चर्णित) की दशा में श्रेणी अभिधान चिह्न और ऐसे आधान-पान्नों पर श्रभिधान चिह्न, जिन में श्रेणीकृत सफेद जीरे (सम्पूर्ण या चूर्णित) के मुहरबन्द पोलिथीन या कागज के थैले पैक किए हुए हैं, एक ऐसा लेबिल होगा जिस पर श्रेणी ग्रभिधान विनिद्दिष्ट होगा ग्रीर जिस पर श्रनसुची 1 में बर्णित डिजाइन के सदश एक डिजाइन (जिस में शब्द 'ऐगमार्क' सहित भारत का एक रेखा-चित्र ग्रौर ''भारतीय उत्पाद'' शब्दों सहित उदीयमान सूर्य की ग्राकृति होगी) बनी होगी ।
- 6. **जिह्न को पद्धित**:---(1) श्रेणी श्रिभिधान चिह्न , कृषि विपणन सलाहकार द्वारा अनुमोदिस रीति से, प्रत्येक ग्राधान-पात पर मजब्ती से चिपकाया जाएगा या बहां नियम 5 के अधीन उसे छापने की अनुजा दी गई है वहां मुद्रित किया जाएगा ।

- (2) प्रत्येक ग्राधान-पात्र पर निम्नलिखित विकिष्टियां भी साफ-साफ ग्रीर ग्रमिट रूप में चाह्रत की जाएगी, ग्रथित् :---
 - (i) कौड या सादे ग्रक्षरों में पैक करने की तारीखः
 - (ii) लाट संख्या , श्रीर
 - (iii) शद्धतील।
- (3) कोई भी प्रधिकृत पैकर ऐसे ग्राधान-पाल पर, जिस में सफद जीरा पैक किया हुन्ना है ऐसा कोई चिल्ल (जिस के अन्तर्गत व्यापार चिल्ल भी हैं) न तो चिपकाएगा भीर न छापेगा जिससे ऐसी कोई क्वालिटी या श्रेणी उपदिशात होती हो या उपदिशात होना संभाव्य हो जो उस वस्तु के श्रेणी अभिधान चिल्ल द्वारा प्रदिशात क्वालिटी या श्रेणी से भिन्न है, जब तक कि वह इस निमित्त कृषि विपणन सलाहकार का श्रनुमोदन न प्राप्त कर ले।
- 7. पैक करनें की पद्धित:—(1) पटसन, कपड़े, कागज, या पोलिथीन, टीन, या कांच के बने श्रच्छे, स्वच्छ श्रीर सुखे श्राधान-पाल पैक करने के लिए प्रयोग में लाए जाएंगे। वे कीट-बाधाया फफुंद-दूषण से मुक्त होंगे श्रीर श्रवांछनीय गन्ध रहित होंगे।
- (2) श्राधान -पान्न कृषि विषणन सलाहकार द्वारा श्रनुमोदित रीति से मजबती से बन्द किए जायंगे ग्रौर उन पर मौहर लगाई जाएगी।
- (3) प्रत्येक पैकेंज में केवल एक ही श्रेणी अभिधान चिह्न या सफेद जीरा, सम्पूर्ण या चूर्ण रूप में होगा ।
- 8. प्राधिकरण प्रमाण-पत्र की विशेष कर्ते :--साधारण श्रेणीकरण ग्रीर चिह्नन नियम, 1937 के नियम में विनिर्दिष्ट शर्तों के ग्रितिरक्त , प्राधिकृत पैकरों द्वारा, कृषि विषणन सलाह-कार के सतोषप्रद रूप में, निम्नलिखित विशेष शर्तों का भी श्रनुपालन किया जाएगा ; श्रथात्-
 - (1) प्राधिकृत पैकर सकेद जीरे के बीजों का परीक्षण करने के लिए ऐसे प्रबन्ध करेगा जिन्हें कृषि विश्णत सलाहकार, सामान्य या विशेष ग्रादेश द्वारा, समय-समय पर विनिद्धिट करे।
 - (2) प्राधिकृत पैकर निरीक्षक ग्रधिकारियों को, जिन्हें इन नियमों के ग्रधीन श्रपने कर्त्तव्यों का निर्वहन करने के लिए कृषि विषणन सलाहकार द्वारा इस निमित्त सम्यक रूप से प्राधिकृत किया गया हो, ऐसी सुविधाएं देगा जो श्रावश्यक हों।
- 9. निरसन श्रीर ब्याबृति :— सकेद जीरा श्रेगीकरण श्रीर चिह्न नियम, 1964, उक्त नियमों के पूर्व प्रवर्तन या तदधीन की गई या सहन की गई किसी बात पर प्रतिकृत प्रभाव डाले बिना एपद्वारा निरसित किए जाते हैं।

ग्रनुसु**ची** 1

"श्रेणी श्रभिधान चिह्नकी डिजाइन'



भ्रनुसूची---2

(नियम 3 और 4 देखिए)

सफेद जीरे के (चूर्णित नहीं) की क्वालिटी का श्रेणी ग्रमिधान और उसकी पूरिमाषा

श्रेणी ग्रभिधान		विः	शेष गुण			साधारण गुण
		श्रनुसार श्रन्य चीज़ों	ग्रनु सारः	वजन के अनुसार खराब हुए और विरंजित और घुनवाले बीजों का	श्चनुसार सकूड़े हुए ग्रौर कच्चे बीजों का	
	श्रिष्ठकतम 🖟	ग्रधिकतम	म्र घिकत म	अधिकतम	श्रधिकतम	
1	2	3	4	5	6	7
सफेद जीरा विश्वेष .	. 1.5	0.5	1.0	1.5	1.5	(क) सफेद जीरा बीज क्यूमिन साइमिनम एल० पौघे सुखे फल होंगे ।

1	······································	2	3	4	5	6	7
ट. सफेद जीरा ग्र च् छा		2.5	1.0	3.0	2.5	3.0 ((ख) इन में रूप रंग, स्वाद ग्रौर सुवास की दृष्टि से प्रसामान्य जाति-गुण होंगे।
3. सफेद जीरा उचित		. 3.5	1 , 5	3.5	3.5	4.0 (ग) ये उचित रूप से सूखे होंगे किन्तु उन में दस प्रतिशत से ग्रधिक तक नमी हो सकनी है ।
4. सफेद जीरा श्रौसत		5.0	, .	5.0	5,0	5,0 (घ) ये दृश्य फफूंदी या कीट- बाधा श्रौर फफूंदी से मुक्त होंगे। ये श्रयहानिकर बाह्य बस्तुं से भी मुक्त होंगे !

'ग्रन्य बीजों' के अन्तर्गत सफ़ेद जीरे से भिन्न बीज सम्मिलित हैं। ंद्रन्य **ब जो**ं के श्रन्तगतः सफद जारसाभन्न वाजसाम्मालत है। '**सराब ग्रौर**ं विरंजित **हुए** बीज' वे बीज हैं जो श्रान्तरिक रूप से खराब ग्रौर विरंजित हैं ग्रौर जिस खराबी ग्रौर विरंजन से क्वालिटी। पर क्प्रभाव पड़ता है। '**घुन बाले बीज**' वे बीज हैं जो घुन या अन्य कीड़ों द्वारा अंशतः या पूर्णतः छेदे या खाए गए हैं । स

'**सुकुड़ें हुए भ्रौर** क**ंचें दर्ज**'' वे बीज हैं जो उचित रूप से विकसित नहीं हुए हैं।

ग्रनुसूची-3

(नियम 3 ग्रौर 4 देखिए)

सकेद जीरे (चूर्णित) की क्वालिटी का श्रेणी-ग्रिभिधान ग्रौर उसकी परिभाषा

	रभाषा ————	क्वालिटी की परि					
साधारण		विशेष गुण				श्रेणी	
	वजन के श्रनुसार वजन के श्रनुसार नमी का प्रतिशत कुल राख का श्रम्ल श्रविलय प्रतिशत राख का प्रतिशत राख का						
5	श्रधिकतम 4	श्रधिकतम 3	ग्रघिकतम 2				I
सफेद जीरा (चूर्णित) सूखा सफेद जीरा सम्पूर्ण, पीसने से प्राप्त हुम्रा माल होगा	1.5	8.0	12.0				 टैन्डर्ड
यह त्रधिमिश्रण, फफ्रंदी-वृद्धि, कीट-बाध श्रौर फफ्रंदी गन्ध से मुक्त होगा ।	1.5	9,5	12.0		٠		साधारण

बी० ग्रार० कपूर, ग्रवर सचिव।

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 6th October 1969

- S.O. 4304.—Reference erstwhile Ministry of Commerce and Industry Resolution No. ME.Ind.15(15)/60, dated 27th March 1961 published in Part I, Section 1 of the Gazette of India, dated 8th April 1961, constituting a Committee for developing manufacture of Marine Fishing Craft in India, as amended by Amendment No. 15. 15-15/60-MEI, dated 11th February, 1965, published in Part I, Section 1 of the Gazette of India dated 20th February, 1965.
- 2. It has been decided that Shri M. C. Bhatia, C/o M/s. Alcock Ashdown and Company Ltd.. Bombay shall be a Member of the Boats and Crafts Committee vide Shri P. P. Bhote.

[No. 7-2/69-ME1.]

I. V. CHUNKATH, Under Secy.

श्रीद्योगिक, विकास, भ्रान्तरिक व्यापार तथा समवाय-कार्य मंत्रालय

(ब्रौद्योगिक विभाग)

नई दिल्ली, 6 अक्तूबर, 1969

एस० श्री० 4305.—भारत के समुद्रों में मछली पकड़ने वाले बेड़ों के निर्माण का विकास करने के लिए एक समित गठित करने के सम्बन्ध में भूतपूर्व वाणिज्य तथा उद्योग मंद्रालय के संकल्प सं० एम०ई०इण्ड० 15(15)/60 दिनांक 27-3-1961 जो भारत के राजपत्र के भाग 1 खण्ड 1 में दिनांक 8-1-61 को प्रकाशित किया गया है श्रीर जिसे भारत के राजपत्र के भाग 1 खण्ड 1 में प्रकाशित संशोधन सं० 15-15/60-एम०ई०श्राई० दिनांक 11-2-1965 के द्वारा संशोधित किया गया है।

2 यह निश्चय किया गया है कि श्री पी० पी० भोटे के स्थान पर श्री एम० सी० भाटिया द्वारा मै० एलकाक ऐशडाउन एण्ड कम्पनी लि० बम्बई, नाव तथा बेड़ा समिति के सदस्य होंगे।

[सं० 7-2/69-एम० ई०म्राई०]

ग्राई० बी० चुनकत,

<mark>ग्रवर सचिव, भारत सरकार</mark>।

(Department of Industrial Development)

ORDER

New Delhi, the 15th October 1969

- S.O. 4306.—In exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following Order further to amend the Scooters (Distribution and Sale). Control Order, 1960, namely:—
- (1) This Order may be called the Scooters (Distribution and Sale) Control (Amendment) Order, 1969.
 - (2) It shall come into force on the date of its publication in the Official Gazette.
- 2. In clause 9 of the Scooters (Distribution and Sale) Control Order, 1960, in sub-clause (1), the words "in the case of a three-wheeler and one year in any other case" shall be omitted.

[No. 9(30)/69-A.E.I. (I).]

R. V. SUBRAHMANIAN, Jt. Secy.

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 7th October 1969

S.O. 4307—In exercise of the powers conferred on me under sub-regulation (4) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, modifications to the provisions of the Indian Standards, details of which are mentioned in the Schedule given hereafter, have tentatively been made with a view to expediting the use of the Standard Mark, without in any way affecting the quality of goods covered by the relevant standards These modifications shall come into force with immediate effect:

THE SCHEDULE

Serial No.	No. and Title of Indian Standard, the Provisions of which have been Modified	Number(s) of the Existing Clauses Affected	Particulars of the Modifica- tions m ade to the Provisions
(1)	(2)	(3)	(4)
ī	IS: 1455-1959 Specificatio for rayon jacquard fabrics.		The existing figure '20' has been substituted by '22'. Two new varieties, namely No. '105' & '106' and No. '205' & '206' have been introduced after variety No. '104' and '204' and the existing varieties No. '105' to '120' and No. '205' to '220' have been re-numbered as No. '107' to '122' and No. '207, to '222' respectively.
2	IS: 2136-1962 Specification for rayon lining cloth.	(i) Clause 1·1, last line- (ii) Table 1—	The existing figure '4' has been substituted by '7'. Three new varieties namely No. '104', '105' & '106' and No. '204', '205' & '206' have been introduced after variety No. '103' and '203' and the existing variety No. '104' & '204' gave been renumbered as No. '107' & '207' respectively.

[No. CMD/13:4]

(Dr.) A.N. GHOSH, Director General

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 9th October 1969

S.O. 4308—In pursuance of sub-rule (I) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1 October 1969;

	THE SCHEDULE								
Sl. No.	Design of the Standard Mark	Products/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark					
(I)	(2)	(3)	(4)	(5)					
ı	IS: 3976	Safety rubber- canvas bovts for miners		The monogram of the Indian Standards Institution, consisting letters 'ISI', draw in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the side of the monogram to as indicated in the design					

[No. CMD/13:9]

S.O.4309—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution Certification Marks) Regulations, 1955, the Indian Standards Institution Perely notifies that the marking fee per unit for Safety rubber-canvas boots for miners details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1 October 1969:

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(3)
I	Safety rubber-canvas boots for miners	IS:3976-1967 Speci- fication for safety rubber-canvas boot for miners		(i) 20 paise per unit for the first 20,000 units and (ii) 10 paise per unit for the 20,000 1st unit and above.

[No CMD/13:10]

8.0.4310.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks), regulations 1955, as amended from time to time, the Indian Standards Institution hereby notifies that thirtyeight licences, particulars of which are given in the following Schedule, have been granted authorizing the licensees to use the Standard Marks:

THE	SCHEDULE	
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					j
S1. No.	Licence No. (CM/L-	Period From	of Validity To	Name and Address of the Licensee	Article/Process covered by the Licence and the Relevant IS Designation.
I	2	3	4	5	6
r	CM L-2066 8-9-1969	16-9-1069	15-9-1970	M/s. Industrial Electrodes & Gauges Limited, 146, Andul Road, Howrah-3.	Covered electrodes for metal arc welding of mild steel, normal penetration type (i) FASTMELT (M 207255) (ii) OPENMELT(M 307244)- IS: 814:1967
2	CM/L-2067 8-9-1969	1-9-1969	31-8-1970	M/s. Devidayal Cable Industries Limited, Pokhran Valley, Thana (Maharashtra State) having their Regd. office at Gupta Mills Estate, Da- rukhana, Reay Road, Bombay-10.	conductors-
3	CM/L-2068 8-9-1969	16-9-1969	15-9-1970	M/s. India Cements Limited, Sankari West, Salem District, Tamil Nadu.	Ordinary portland cement- IS:269-1958
4	CM/L-2069 9-9-1969	16-9-1969	15-9-1970	M/s. A.V.J. Wires Private Ltd., Damodar Gardens, 8, B.T. Road, Belghoria, having their office at 28, Strand Road, Calcutta-1.	Mild steel wire for general engineering purposes- IS:280-1962
5	CM/L-2070 9-9-1969	16-9-1969	15-9-1970	M/s. Gujarat Iron & Steel Co. Ltd, Ambli Road. Village Thaltej, Ahmedabad.	Structural steel (standard quality)- IS: 226-1962
6	CM/L-2071 9-9-1969	16-9-1969	15-9-1970	Do.	Structural steel (ordinary quality)- IS:1977-1962
7	CM/L-2072 10-9-1969	16-9-1969	15-9- 1970	M ₁ s. Sarbmangala Manufacturing Company, 8, Cossipore Road, Calcutta-2.	Asbestos cement pipes and fittings; 100 mm internal diametre- IS: 1626-1960

I	2	3	4	5	6
8	CM/L-2073 12-9-1969	16-9-1969	15-9-1970	M/s. Sangam Electric & Mechanical Industries Pvt Ltd., Plot No. 13/14, Industrial Estate, Sangli (Maharashtra)	Three-phase induction motors, 2.2 KW (3HP) 1440 rpm, 400/440 Volts rating only with class 'A' insulation-IS: 325-1961
9 C	M/L-2074 18-9-1969	1-10-1969	30-9-1970	M/s. Gurka Industries, 3569/XVI-28, Sultan- wind Road, Amritsar, having their office at 12 Ajit Nagar, Sultanwind Road, Amritsar.	Water meters, dry dial, 15mm size, inferential type 'A'- IS: 779-1968
10	CM L-2076 22-9-1969	16-9-1969	15-9-1970	M/s. Annapurna Pulverising Mills, Industrial Estate Eluru, (West Godavari Distt), Andhra Pradesh.	Copper oxychloride water dispersible powder concentrates- IS: 1507-1966
II	CM/L-2077 22-9-1969	16-9-1969	15-9-19 7 0	M/s. Central Insecticides & Fertilizers, Saki Naka, Vihar Lak Road, Bombay-72.	Organo mercurial dry seeddressing formulations- IS:3284-1965
12	CM/L-2078 22-9-1969	16-9-1969	15-9 -1970	Do.	Aldrin emulsifiable concentrates- IS: 1307-1958
13	CM/L-2079 30-9-1969	1-10-1969	30-9-1970	M/s. Industrial Minerals & Chemical Co. Pvt. Ltd., Kurla Marol Road, Chakala, Andheri Bombay-58 having their office at 125, Narayan Dhuru Street, Nagdevi, Bombay-3.	BHC dusting powders- IS:561-1962
14	CM/L-2080 30-9-1969	1-10-1969	30 -9- 1970	Do.	BHC water dispersible powder concentrates- IS: 562-1962
15	CM/L-2081 30-9-1969	1-10-1969	30-9-1970	Do.	DDT dusting powders- IS:564-1961
16	CM/L-2082 30-9-1969	(1-10-19 6 9	30 -9- 19 7 0	Do.	DDT water dispersible powder concentrates IS:565-1961
17	CM/L-2083 30-9-1969	1-10-1969	30-9-19 7 0	M/s. Industrial Minerais & Chemical Co. Pvt. Ltd, Kurla-Marol Road, Chakala, Andheri, Bombay-58 having their office at 125, Narayan Dhuru Street, Nagdevi, Bombay-3.	
18	CM/L-2084 30-9-1969	1-10-1969	30-9-1970	Do.	Aldrin emulsifiable concentrates IS:1307-1958

19	CM/L-2085 30-9-1969	1-10-1969	30-9-1970	Do.	Endrin emulsifiable concentrates— IS: 1310-1958
20	GM/L-2086 30-9-1969	1-10-1969	30 -9- 1970	Do.	Malathion emulsifiable concentrates— IS: 2567-1963
I	CM/L-2087 30-9-1969	1-10-1969	30-9-1970	Do.	Dieldrin emulsifiable concentrates— IS: 1054-1962
2	CM/L-2088 30-9-1969	1-10-1969	30-9-1970	M/s. Bata Shoe Company Private Limited, Bata nagar, P.S. Mahestala Distt., 24 Parganas.	a- Safety rubber-canvas boots for miners— IS: 3976-1967
3	CM/L-2089 30-9-1969	1-10-1969	30-9-1 <i>97</i> 0	M/s. Brijbasi Insulated Cable Co. 4/19 Bhu- teshwar Road, Mathura (U.P.)	Weatherproof polyethelene insulated taped, braided and compounded cables, signle core, aluminium conductors 250/440 and 650/440/1 100 Volts— IS: 3035 (Part II)—1965
1	CM/L-2090 30-9-1969	1-10-1969	30-9-1970	M/s. Industrial Gases Limited, 146, Andul Road, Howrah- 3.	Arc welding transformers, single operator type; rating: 225 amps & 340 amps, max continuous hand welding current — IS: 1851-1966
	CM/L-2091 30-9-1969	1-10-1969	30-9-1970	M/s. Kanwal Scientific Production Private Lmited, 37-A Laxman Chowk, Dehra Dun (U.P.)	Clinical thermometers— IS: 3055-1965
	CM/L-2092 30-9-1969	1-10-1969	30-9-1970	M/s. Industrial Development Corporation of Orissa Ltd., Unit: Hira Cable Works, P.O. Hirakud, Distt. Sambalpur (Orissa)	cored aluminium conductors for overhead power transmission purposes—
	CM/L-2093 30-9-1969	1-10-1969	30-9-1970	M/s. K. R. Steel Union Private Ltd., 16-D, Industrial Area, Kalyani, Distt. Nedia (W. Bengal) having their office at 33 Netaji Subha- Road, Calcutta-I.	IS: 398-1961 Structural steel (standard quality) IS: 226-1962
	CM/L-2094 30-9-1969	1-10-1969	30-9-1970	Do.	Structural steel (ordinary quality)— IS: 1977-1962
	CM/L-2095 30-9-1969	1-10-1969	30-9-1970	M/s. Agarwal Metal Works Private Limited, Agarwal Road, Rewari (Haryana)	Wronght aluminium utensils, SIC grade only— IS: 21-1959
	CM/L-2096 20-9-1969	16-10-1969	15-10-1970	M/s. Travancore Traders and Agencies, Wilson Street, Kottavam, Kerala State.	Tea-chest metal fittings— IS: 10-1964

1891

PART II-

I	2	,3	4	5	6
31	CM/L-2097 30-9-1969	1-10-1969	30-9-1970	M/s. Unique Industries, Nadiad Petlad Road, Near Canal, Nadiad, Distt, Kaira, Gujarat State having their office at Bhanu Nivas, Santram Society, Nadiad, Disst. Kaira, Gujarat State.	: IS:398-1961
32	CM/L-2098 30-9-1969	1-10-1969	30-9-1970	M/s. National Pesticides, 5, Industrial Esatate, Vidisha (M.P.)	DDT emulsiofiable concentrate— IS:633-1956
33	CM/L-2099 30-9-1969	1-10-1969	30-9-1070	Do.	Aldrin emulsifiable concentrates— IS:1307-1958
34	CM/L-2100 30-9-1969	1-10-1969	30-9-1970	M/s. O.P. Oberoi & Co, College Road, Pathan-kot.	Plywood tea-chest battens— IS: 10-1964
35	CM/L-2101 30-9-1969	1-10-1969	30-9-1970	M/s. Nandi Provender Mills, (Prop: Dhanpatma Jawaladas Feed Mills), 33, Najafgarh Indu- strial Area, New Delhi-15.	al Compounded feeds for cattle— IS:2052-1968
36	CM/L-2102 30-9-1969	16-10-1969	15-10-1970	M/s. Varuna Engineering Co, Preet Nagar Road, Near Industrial Area, Jullundur City having their office at Bazar Bansa nwala, Jullundur City.	Sand cast iron soil pipes up to 150 mm size— IS: 1729-1964
37	CM/L-2103 30-9-1969	1-10-1969	30-9-1970	M/s. Hops Metal Windows (India) Ltd., P-23 Tra sport Depot Road, Calcutta-27.	n- Tea-chest metal fittings— IS:10-1964
38	CM/L-2104 30-9-1969	16-10-1969	15-10-1970	M/s. Union Engineering Company, Main Road, Quilon, Kerala State.	, Tea-chest metal fittings— IS:10-1964

[No. CMD/13:11]

New Delhi, the 13th October 1969

S.O.4311.—In pusuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard (8) particulars of which are given in the Schedule hereto annexed, have been established during the period from 16 to 30 September, 1969:

THE SCHEDULE

S1. No.	No, and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief particulars
I	2	3	4
τ	IS: 1200 (Part XVII)-1969 Method of measurement of building and civil engineering work	IS:1200-1964 Method of measurement of building works (revised)	This standard covers the method of measurement of road work including airfield pavements and applies to the preparation of estimates and pills of quantities, and for site measurement (Price Rs. 2.00)
	Part XVII Roadwork including airfield pavements (second revision)		
2	IS: 1317-1969 Specification for edible tapioca chips (first revision)	IS: 1317-1958 Spe- cification for edi- ble topioca chips	This detendend opposities 7 th requirements and the method of dampling and the redible tapica chips. (Price Rs. 3.50)
3	IS: 1318-1969 Specification for edible tapioca flour (first revision)	IS: 1318-1958 Specification for edible tapioca flour	odirosarq brabnate sidT bodtam ath bna stnamariupar bldiba rot test bna gnilqmas to IS: 3906 (Edffold Spinat tion fir confinded Spra knapsack type
4	IS: 1319-1969 Specification for edible tapioca starch (first revision)	IS: 1319-1958 Spe- cification for ediblese tapioca starch	This standard prescribes the requirements laminthe method of sampling and test for edible tapioca starch. (Price Rs. 2.50)
5	IS: 1656-1969 Specification for processed cereals weaning foods (first revision)	cification for cereal infant foods	This standard prescribes the requirements and the method of test for processed ceres of weaping spools as intended, for processed processed in the method of the processes of the weaping processes of the procese
6	IS: 2319-1969 Sepcification for serge (first revision)	(i) IS: 668-1963 Specification for 365 gc, ordinary (revised), 32 (ii) IS: 669-1963 Specifiation for serge drab mixture (revised),	This standard prescribes the michael distributed by the control of the variety of the variety of the Rs. 4.00)

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(iii) IS: 670-1963 Specification worsted serge, dved (superior) (revised).

(iv) IS: 671-1963 Specification for serge, bottle dress (drab mixture) (revised).

(v) IS: 672-1963 Specification for serge, white, lining (revised).

(vi) IS: 1532-1960 Specification for serge, blue, worsted,

(vii) IS: 1533-1960 Specification for serge, drab mixture, water resistant, and

(viii) IS:2319-1963 Specification for serge.

covers the method tent of road work airfield pavements to the preparation es and pills of quan-, for site measurement 2.00)

ent 7 self-regress-insubations for de- IS:2387-1963 Mestri to their to continuing methods (noisive itemibal checkfor edible

a chips. ce Rs. 3.50)

standard prescribes uirements and the methods sampling and test for edible

IS: 3906 (Part III Prints Specification for Continuous sprayer, knapsack type

is standard prescribes the oqytequested Huilaffic methods of sampling and test for edible tapioca starch. (Price Rs. 2.50)

This standard prescribes the requirements and the methods of test for processed cereal principle 860448 80 practice for bashing the Weaning to be bashing the bashing milk.

(Price Rs. 7.00)

pc- This standard prescribes the snegground of the particulars and same same, societal problem of the varieties of same of sam (Price Rs. 4.00) for nxture

thod for determination of wieght of linear metre (or linear yard) and weight per square me-tre (or square yard) of jute fabrics

This standard prescribes methods for determination of weight per linear metre and weight per square metre of jute fabrics. (Price Rs. 2.50)

The standard prescribes the materials of construction, performance requirements and methods of testing the performance of continuous sprayer, knapsack type, hand operated diaphragm type (hereafter referred to as sprayer) used for spraying pesticides and plant nutrients. (Price Rs. 4.00)

This standard gives guidance for the design of ventilation trunking used on board ships with air velocities approxi-

mating to 15 m/s.
(Price Rs. 8.50)

This drawing has been prepared in accordance with IS:5001-1969 'Guide for preparation of drawings of semiconductor devices' (Price Rs. 3.00)

I	2	3	4
II	IS:5000(OB5)-1969 Dimensions of semiconductor devices base outline OB5		This prawing has been prepared in accordance with IS:5001-1969 'Guide for preparation of drawings of semiconductor devices'. (Price Rs. 3:00)
12	IS: 5000(OB6)-1969 Dimensions of semiconductor devices base outline OB6	. ••	This drawing has been prepared in accordance with IS:5001- 1969 'Guide for preparation of drawings of semiconductor devices'. (Price Rs. 3:00)
13	IS: 15000 (OC5)-1969 Dimensions of semiconductor devices case outline OC5	••	This drawing has been prepared in accordance with IS: 5001-1969 'Guide for preparation of drawings of semiconductor devices'. (Price Rs. 3.00)
14	IS: 5000 (ODI)-1969 Dimensions of semiconductor devices device outline ODI		This drawing has been prepared in accordance with 18:5001-1969 'Guide for preparation of drawings of semiconductor devices'. (Price Rs. 3:00)
15	IS: 5000 (OD4)-1969 Dimensions of semiconductor devices device outline OD4	••	This drawing has been prepared in accordance with IS: 5001 1969 'Guide for preparation of drawings of semiconductor devices'. (Price Rs. 3.00)
16	IS: 5000 (OD6)-1969 Dimensions of semiconductor devices de- vice outline OD6	••	This drawing has been prepared in accordance with IS: 5001-1969 'Guide for preparation of drawings of semiconductor devices'. (Price Rs. 3:00)
17	IS:5000 (OD8)-1969 Dimensions of semiconductor devi- ces device outline OD8		The drawing has been prepared in accordance with IS:5001- 1969 'Guide for preparation of drawings of semiconductor devices'. (Price Rs. 3:00)
18	IS: 5123-1969 Specification for tenon and dovetail saws	···.	This standard specifies the requirements for tenon and dovetail saws. (Price Rs. 3.50)
19	IS: 5124-1969 Code of prac- tice for installation and main- tenance of ac induction motor starters (voltage not exceeding 1 000 V)		This code covers installation and maintenance of motor starters for use with both single- phase and three-phase ac in- duction motors.
			This code applies only for those motor starters which are covered by IS: 1822-1967. (Price Rs. 8.50)

-	2	3	4
20	IS:5127-1969 Specification for BABUL bark		This standard prescribes the requirements and the methods of sampling and test for BABUL bark intended for tanning and for the use in the manufacture of tanning extracts. (Price Rs. 5.50)
21	IS:5129-1969 Specification for rotary shaft oil seal units (related dimensions)		This standard covers the dimensions and other requirements of rotary shaft oil seal units used to prevent leakage of oil or penetration of dust or both and other harmful particles along the surface of rotating shaft in general engineering applications. (Price Rs. 5.50)
22	IS:5138-1969 Specification for ear-shaped metal travellers for doubling frame	• •	This standard prescribes the requirements of ear-shaped travellers of different forms made of metal wires of flat, half round or round section. (Price Rs. 2.50)
23	IS:5139-1969 Recommended procedure for repair of grey iron castings by oxy-acetylene and manual metal arc wel- ding		This standard covers recommended procedures for repair of grey iron castings by welding. (Price Rs. 8.00)
24	IS: 5143-1969 Specification for adjustable wooden crutches		This standard specifies the requirements pertaining to materials, shape, dimensions, workmanship, finish and performance of adjustable wooden crutches. (Price Rs. 3. 50)
25	IS:5151-1969 Method for eva- luating the relative efficiency of wetting agents for merce- rization		This standard prescribes two methods for evaluating the relative efficiency of wetting agents used in the mercerin zation of cotton textiles. (Price Rs. 2.50)
26	IS:5152-1969 Method for esti- mation of benzene-methyl alcohol-soluble matter in tex- tiles materials		This standard prescribes a method for determination of benzene-methyl alcohol-soluble matter in textile materials (Price Rs. 2.00)
27	IS:5151-1969 Specification for lead-acid traction batteries		This standard covers dimensions of traction cells and performance requirements for traction cells and batteries used for the power supply of electric vehicles and industrial trucks including fork lift type. (Price Rs. 5.50)

I	2	3	4
28	IS:5155-1969 Specification for pipettes, Ostwald-Folin type	• ,	This standard prescribes the requirements and the methods of test for pipettes, Ostwald-Folin type. These are one-mark bulb pipettes calibrated for delivery or for content and used in pathological work. (Price Rs. 3.50)
29	IS:5163-1969 Specification for sweet-cream buttermilk powder		This standard prescribes the requirements and the methods of sampling and test for sweet-cream buttermilk powder. (Price Rs. 2.00)
30	IS:5165-1969 Specification for interchangeable conical ground glass joints		This standard prescribes the requirements and the methods of test for interchangeable conical ground-glass joints. (Price Rs. 3, 50)
31	IS:5165-1969 Specification for cement grouting hose of rubber with braided textile reinforcement.		This standard prescribes the requirements, methods of sampling and test for cement grouting hose of rubber with braided textile reinforcement, and built on mandrels. The hose is designed for working pressures up to 10.0 kg. cm. (Price Rs. 2.50)
32	IS:5167-1969 Specification for punched open-jaw spanners for bolts and nuts M 1.6 to M5		This standard covers the requirements for punched open- jaw spanners of single and dou- ble ended types for general purposes. (Price Rs. 3.50).
33	IS:5172-1969 Specification for balancing bench		This standard lays down the requirements of balancing benches which are essential equipment in all gymnasia. (Price Rs. 2.00).
31	IS:5173-1969 Specification for wall bars		This standrad lays down the requirements of wall bars which are essential equipment in all gymnasia. (Price Rs. 2.00).
35	IS:5174-1969 Specification for landing mats	••	This standard lays down the requirements of landing mats used in national and international gymnastics competitions. (Price Rs. 2.00)
36	IS: 5182 (Part I)-1969 methods for measurement of air pollu- tion		This standard prescribes a methods for the collection and measurement of dustfall and covers the construction and installation of the apparatus to be used for the purpose.
	Part I Dustfall		It also prescribes a schedule of analytical determinations to be made and the form to be used for reporting the results. (Price Rs. 3.50)

I	2	3 4
3 7	IS:5187-1969 Specification for . flush bolts	. This standard lays down the requirements for flush bolts for use in cupboards and doors. (Price Rs. 2.50)
38	IS:5193-1959 Specification for dry-salted seer fish	This standard prescribes the requirements and methods of sampling and test for drysalted seer fish. (Price Rs. 2.50)
39	IS:5199-1969 Specification for dry-salted shark	This standard prescribes the requirements and methods of sampling and test for drysalted shark. (Price Rs. 2.00)
40	IS:5201-1969 Methods for samp- ling of abrasive emery grain	This standard prescribes methods for sampling of abrasive emery grain and the criteria for judging its conformity to the requirements specified in IS: 3178-1965 for acceptance purposes
		(Price Rs. 2.00)

Copies of thes: In lian Standards are available for sale with the Indian Standards Institution, Manak, Bhanan, 9, Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 534 Sardar Vallabhbhai Patel Road, Bombay-7; (ii) 5, Chowringhee Approach Road, Cilcita-13; (ii) 54, General Paters Road, Madras-2; (iv) 117/418-B, Sarvodaya Nagar, Kanpur; and (v) 5-9-201/2, Chirag Alitt, Lane Hyderabad-1.

[No. CMD/13:2]

New Delhi, the 15th October 1969

S.O. 4312—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulation 1955, as amended from time to time, the Indian Standards Institution hereby notifies that licence No. CM/L-2050, particulars of which are given below has been cancelled with effect from 3 October 1969:

Licence No. & Date	Name and Address of the Licensee	Article/Process covered by the licence cancelled	Relevant Indian Standard	
CM/L-2056 18-8-1969	The Mysore Iron & Steel Ltd., Bhadravati, Mysore State, Southern Railway.	Carbon Steel Bars for Forgings	IS:4369-1967 specification for Carbon Steel Bars for Forgings.	

[No. CMD/55:2050] A. K. GUPTA,

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Petroleum)

New Delhi, the 9th October 1969

- S.O. 4313.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites No. 18-KOSAMBA to GGS at KOSAMBA in the Ankleshwar Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed thereto.
- 2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.
- 3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, near Central Workshop, Baroda-4, in the Office of the Gujarat Pipelines (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

Schedule

State :- Gujarat

Laying Pipeline from well No. 18-Kossmba to GGS at Kosamba

Dist :- Surst

				1.,.	1501 g10
	Village	S. No.	Hectare	Are	P. Are
Kuverda		154	0	22	33
		146	0	5	88
		156	o	1	63
		22	О	2	35
		21	0	7	05
		22/1	0	22	33
		901/12	О	15	28
		2/1	0	14	10
		881	0	2	35
		882	0	5	88
		883	0	3	53
		880	0	4	7 0
		884	0	2	35
		885	o	5	88
		886	o	5	88
		890	٥	2	35
		892	0	5	88
		856	0	5	88
		855	0	9	40
		854	o	7	05
		852	0	4	7 0

[No. 11(3)/69-Lab. & Legis.]

Taluka :- Margrol

(Department of Petroleum and Chemicals)

OLDER

New Delhi, the 14th October 1969

- 8.0. 4314.—In pursuance of sub-paragraph (3) of paragraph 3 of the Petroleum Products (Collection of Information) Order. 1966, the Central Government hereby specifies that in the case of Light Diesel Oll and Kerosene Oll, every Oll Distributing Company shall furnish to the Government of Gujarat in writing by the 5th day of the every month the following information relating to the immediately preceding month in respect of each of its main port installation and depot within the State of Gujarat, namely:—
 - (1) Opening stock held by it on the first day of the month.
 - (2) Receipts during the month.
 - (3) Total availability.
 - (4) Quantities despatched during the month to areas in the State of Gujarat, Districtwise.
 - (5) Quantities despatched during the month to areas outside the State of Gujarat State.
 - (6) Balance stock in hand on the last day of the month.

[No. F.45(5)/69-IOC.]

H. C. SHARMA, Under Secy.